

811 and Texas Damage Reporting Form (TDRF) Script

Title Slide – program will begin shortly

Title Slide – 811/TDRF/Ricardo Gamez

Good afternoon everyone. I would like to thank you for tuning in today. My name is Ricardo Gamez. I'm a Compliance Analyst with the Pipeline Damage Prevention Program, or the PDPP. Considering the RRCs 130 years of service this year, we are a relatively new program. Today is national 811 Day and I'm here to speak to you regarding the 811 law, also known as the "call before you dig" law, and the Texas Damage Reporting Form, or the TDRF. I'll also briefly touch on Chapter 18, the laws that require the TDRF submissions, and I'll included some stats that can be found on our website. I'll ask that should you have any questions that pop up during this presentation, please type that in the Q&A. My moderator Michael will be keeping up with that for us....

Power Point Presentation Slide

Before we begin however, I'd like to provide you with the link to access today's power point presentation, currently on the screen. You should be able to easily find them on the Events page of our new and improved website but reach out to me should you need assistance. I'll leave this up a bit in the event you want to write it down but know that this archive video will be uploaded as well.

As I mentioned, I'm with the Pipeline Damage Prevention Program. We are a small group within the O&S Division here at the RRC. Our primary role is to review the TDRFs required for all jurisdictional pipeline damages here in the great state of Texas. I know there are many of you watching today that are well versed in the Chapter 18 Rules, and I realize that this presentation will be a refresher of sorts, but I do hope I provide something new for you, either through my presentation or during our Q&A at the end. I'll repeat this throughout the next 30 mins: should you think of questions as I'm going through my spiel, please log them in the Q&A and Michael will relay them to me when the time comes.

Origins of 811 Slide

Now, I'd like to talk to you briefly about the origins of the 811 system.

The State of Texas enacted its first Damage Prevention law over a decade ago during the 76th Legislative Session. This initial law became effective in September 1999. That is the Texas Utilities Code, Title 5: Chapter 251: Underground Facility Damage Prevention and Safety. Chapter 251 details how certain underground utilities, including most pipeline facilities, are required to be a member of a "Call Before You Dig" one-call notification center, purposes of which are for the locating and marking of these underground facilities prior to excavation activity. This law created the Texas Underground Facility Notification Corporation, or One-Call Board of Texas, to implement statewide notification services and to oversee standards for the state's one-call service providers. This statute, generally known as the "Texas One-Call Law," also gives excavators guidance on the required notice prior to excavation.

While Chapter 251 does state that 811 should be called for excavation work that will be deeper than 16 inches, we do stress to our Excavators that ANY excavation work, regardless of intended depth, be called in for locates ... especially considering the possibility of lines being closer to the surface due to erosion, previous unknown excavation, or grading work, poor or incorrect installation, etc... We also stress to our excavators any chance we get to make locates easier (i.e., white lining work areas, calling smaller more

concise locate areas and working with pipeline operators and your locators on larger jobs), as well as stressing the importance of accurate contact information and communicating with everyone involved.

On that note, if anyone is just joining, please know that the archive video and power point presentation will be available on our website, drop any questions that come to you in the Q&A and we'll do our best to answer. But, by all means, you can reach out to me offline if needed.

Important info about Locates Slide

A few notes on 811 and locate and dig up tickets:

- 811 notification center is required to operate 24hr a day, every day of the year. The notification center should provide locate notices to Operators within 2hrs of receiving them.
- Life of a locate ticket is 14 working days, excluding Sat/Sun and legal holidays. Legal holidays can be found in TAC Chapter 662.003.
- Locates called in on weekends, the excavator's 48hr wait time ends the following Tues at 11:59 am. If the intervening Mon is a holiday, that moves it to Wed at 11:59am. I can understand that that may not seem like 48hrs, that is the letter of the law. But, as always if you have an issue, please contact me.
- You, the Operator can request a representative be present during the excavation, but you will need to contact the excavator and advise them of this intent. It is highly recommended to obtain a signed agreement of this request. While 251 does not refer to any penalties for breaking this written agreement, Chapter 18 does have wording on this, allowing us to penalize for violations of those signed agreements.
- Emergency locates: Under these situations, excavators can technically begin excavation work immediately. However, it is requested from them to allow at least 2hrs for locators to arrive and locate. My advice when dealing with TDRFs for this type of locates, give us details. While I'm not going to give you a blanket answer on penalties during emergency situations, I will tell you the more info we have on TDRFs, the more info we must consider whether violations warrant penalties.
- Excavators working for pipeline Operators that provide their own positive responses are still required to have their own locates in place, including completing the required damage reporting, i.e., Dig up tickets and TDRFs.

Chapter 18 Rules – The Basics

In 2005, due to limitations in existing regulations for excavation activity near pipelines, the legislature adopted HB 2161 and SB 9, both of which have provisions giving the Commission compliance and enforcement authority over the movement of earth near pipelines. In late May 2007, the Commission adopted TAC Title 16. Chapter 18. Underground Pipeline Damage Prevention. Chapter 18 became effective September 2007. These rules include safety standards and best practices for both Excavators and Pipeline Operators. I have a few of the Chapter 18 items listed on this slide.

While there are quite a few Rules in Chapter 18, recurring violations that we see pertain to

- Excavator not having a locate in place

- Use of mechanized equipment within the tolerance zone
- Failure to maintain locate markings
- Not reporting damages timely to 811 and RRC
- Operator side – mostly seeing either no response or inaccurate marks on ground, be it locator error or incorrect maps.

So, that leads us into the 2nd part of today's presentation topic, the Texas Damage Reporting Form, better known as the TDRF.

Super quick, reminder for anyone just joining, we will have the archive video and materials up on the website soon after we end. Please drop any questions in the Q&A and I'll do my best to answer them at the end.

EDI Uploads 1/3 Slide

I'd like to start off with quick look at the Electronic Data Interchange, or EDI upload, option. The first link on the screen will get you to the RRC Online systems. The username and password will have been set up via the SAD form, or Security Administrator Designation form, submitted for your organization. The original System Administrator is the person that needs to log in and create the new account/s for whoever is going to need to submit TDRF reports. You can have multiple parties with the ability to submit TDRFs, but that Sys Admin will be the one to give rights and coordinate who has access. They also need to make sure the correct filing rights are set. You can find more info on that on our website but, as always, contact us if you need help.

Next link that is showing will get you into the Electronic Filing Requirements for TDRFs. This is a downloadable .pdf file that will provide more info on setting up your files for upload.

Once you are logged in and access the TDRF application (top right dropdown menu), select the second link (left side of screen), EDI Upload, and you'll be taken to the Upload screen showing. As you can see, there are three tabs. I would say you would want to use the EDI Test section when you are initially building your file. This allows you to test without the possibility of submitting the files in error, creating incident files by accident. Should that occur, email me or one of my colleagues, and we can purge the file from the system. I've found that you mostly will use the other two tabs.

EDI Uploads 2/3 Slide

The EDI Upload section has a built-in verification option that will show errors or files that will be rejected. The example shows a successful verification without errors. Any file errors or rejections will be shown in the area above the tabs, usually in red. Recent advice we received from an operator regularly using the EDI upload function, was to be sure your upload file does not contain the headers of any excel file you might use when compiling your data for upload.

As the example shows, successful verifications will be queued to either delete or submit.

EDI Uploads 3/3 Slide

EDI uploads are processed overnight but you should see status of any EDI upload on the EDI Status tab. If you went through the verification process successfully, then you shouldn't see any rejected reports here. Once the upload is processed, the file will drop from this area, and you'll be able to find your

incident files in the Pipeline Operator Report section (first link in the TDRF application). At some point during the processing, an email is also sent with accepted/rejected information. Should you encounter issues with uploads, feel free to reach out to the and we'll be happy to assist.

Another quick reminder for anyone just joining, we will have the archive video and materials up on the website soon after we're done here. Please drop any questions in the Q&A that we can answer at the end.

Importance of Correct Information Slide

The importance of correct information on your TDRF is **crucial** for us to make an accurate and timely determination. We are reviewing TDRFs to determine compliance to the Chapter 18 Rules, not to find or determine fault. I believe that bears repeating - we are reviewing for compliance, not to find fault. When we attend outreach events, we stress to the Excavator community the importance of providing accurate, detailed information *from the get-go*. We kindly ask the same of our Operator community. The TDRF due date was increased from 10 to 30 working days in recent years. This change was implemented to allow sufficient time to gather supporting materials, be that photos, internal damage reports or written statements or agreements made between parties involved. While in the past we may have requested additional information, understandably considering the short submission window, we must request that all information to be considered in our review be submitted with the TDRF. Operators can attach additional documents and/or photos, but should you have issues doing so, reach out to myself or email the items to TDRFinfo@rrc.texas.gov.

Depth is a key factor when determining jurisdiction of a damage. As I mentioned before our jurisdiction begins at depths deeper than 16 inches. Damages at 16 inches or less, we can't enforce. Of course, we will send out non-jurisdictional letters and educational information to excavators whenever we can; to ensure that they are aware of state law. However, it's also important for operators to ensure they are accurately reporting the depth of the line as well. There have been multiple times that I can think of where a damaged line has been reported as, for example: 1 foot 6 inches deep and come to find out, that it's either much too deep or much too shallow based on the photos submitted.

Possible cause is another major consideration when submitting TDRF's. This is our first snapshot into what led to a damage occurring. Whether it be failure to mark, failure to maintain clearance, or some other improper excavation practice, it's vital to list the root cause accurately and succinctly. And if the root cause isn't listed, then the additional comments section of the report is where you'll give us those details. It's there that you can list out what resulted in the damage for that incident. Again, please provide everything you feel *should be* considered when we are reviewing files for compliance.

Correct submission of locate tickets. While we as reviewers do have access to the 811 system to verify and look up tickets, by having those numbers already entered in the system, that will save us a huge amount of time in the long run AND allow us to process reports faster! A win-win for all.

Location is a common point of confusion between excavators and operators. It's worth noting that excavators will almost always enter the location of the damage and not the location that was affected BY the damage. If you're unsure of which to list, I'll remind you again of the additional comments section. That's there to use if you need to clarify anything, for instance, something along the lines of "Service was affected at ABC street, but damage occurred at XYZ street."

Finally, **dates**. This is somewhat of a less common issue and usually occurs on the excavator side of things, but it's worth noting that for accurate report matching it's imperative to have an accurate date listed for the damage.

Not to sound like a broken record, for anyone just joining, the archive video and materials will be available online. Please drop any questions in Q&A and we'll discuss them shortly.

Photo Documentation Slide

This is your chance to take us back to the scene of the incident. In most cases, we are reviewing incidents several months *after* the damage. I know some operators have a very precise and specific way to take photo documentation, and we've seen some incredible photos displaying exactly what we need. Others not so much.

One of the first things I can suggest to you is to use those reference points that are fixed or immovable. For example: street signs, trees, corners of buildings, even fence lines and culverts can help. Things that can't be readily moved or deteriorated. We've seen photos which have used cars as reference points, which can easily be moved at any point in time... Dirt piles, which can get washed away should it rain. Also, make good use of the hit kit when you're taking these photos, like the example showing. They have large easy to read numbers which even in zoomed-out photos. Tape measures are fine if you can get close enough to show the markings, but 9 times out of 10 the photos sent to us are so low resolution or so far away that we can't see anything on the tape measure other than little blurs.

Speaking of measurements, whatever you do decide to use, make sure it's a standardized unit of measurement. For instance, we can't depend on a person standing in a trench as we cannot determine their height. Your ruler should also begin at the top of the damaged line, not from the bottom of the excavation hole as we've seen in the past. So, make sure that your crews know how and when to take good photos. And if your crews don't already have a standardized practice for photo documentation, work with them to develop that.

How NOT to Take Pics Slides

How NOT to Take Pics (1 of 2): Here are a couple examples of photos not telling us much. The one on the left simply shows me a field of flags, including what appears to be a finger covering up possible reference points to help determine where this was taken. We'll use Google Maps' Street view function and Google Earth as needed but your photos are a tremendous help. And as I mentioned before, they help to place us back in the scene.

The photo on the right was submitted to confirm depth, which I think it's clear to all looking at it, just simply doesn't.

How NOT to Take Pics (2 of 2): This slide shows us photos submitted to prove there was a damaged pipeline, on your left, and on your right, proof of locked gate notice. While the one on the left does show me a portion of a line, it in now way shows me the actual damaged line, or the damage site. The door tag on the right, while it looks like a tag your locators might use, does not provide me any details to confirm it.

Preferred Locked Gate Photos Slide

This leads me to this preferred locked gate photos slide. The door tag on this one is illegible, but it does show me the house and door colors and a possible reference points next to the door and reflected in the window. The photo on the right shows me the door tag info as well as the address they were trying to locate. Best of all, they are date stamped. This one little addition adds so much credibility to your photo submissions. I highly recommend doing so if you don't already.

Real quick, to anyone just joining, please know the archive video and materials will be available online soon after we are done. Please drop any questions you have in the Q&A to be discussed shortly.

On-Time Payments Slide

Another point I'd like to cover is the flow of communication. Broken record moment: At any time, please do not hesitate to reach out to us. Whether that is me, Jamie, Blake, or anyone else in the damage prevention program: The Pipeline damage prevention team are always willing to help you navigate chapter 18! And if you've got a question that's outside of our realm of expertise, we'll do our best to get you to someone that can help.

In that spirit, if you ever experience a delay in your payment process, we ask that you reach out and let us know so we can make note of that issue before your docket comes due. We can enter extensions or assist with taking phone payments if needed. This goes similarly for disputes. If you do have information that comes to light after the report has been filed and a docket issued, please contact us **as soon as possible** so we're not in the final stages of a docket and set to be referred to legal. It would save everyone involved time and effort if those disputes were submitted to us before a docket deadline.

Recently, we've been receiving word of docket notices not arriving timely, or at all in some cases. Most of these occurrences however appear to have occurred during mid to late 2020. I don't bring this up to place blame on the USPS, but we are acknowledging that this has occurred and are more than willing to work with you on making things right (i.e. reissuing initial notices or entering extensions as needed). Please reach out to us for assistance should you determine this has occurred. There is a query function in the RRC Online portal where you should be able to search for any outstanding files for your organization. But again, feel free to contact me directly to assist with this.

STATS Slides 6 total:

I wanted to briefly show statistical information for CY 2020 currently available on the RRC Website, Damage Prevention Program page.

Stats (1 of 6) Incidents Per Year: We ran these figures multiple times and found that we had the exact same number of jurisdictional damages to pipeline in CY 2020 that we had in CY 2019 – a total of 9444 damages.

Stats (2 of 6) Damages per 1000 Locates: We continue to see a downward trend in with this number. Considering Tx811 reports an increase in locates that are being called in, the fact that we are still trending downward indicates safe digging practices continue. I would definitely like to see bigger drops in this slope, and hope our increased outreach efforts will result in continued drops in those figures.

Stats (3 of 6) Root Causes: For the most part these figures remained the same with some exceptions. We saw a couple points increase in No Locates, up from 41% to 43% you see on this slide. We attribute this to the pandemic stay at home orders that resulted in more homeowner excavation activities, as

you'll see in a later slide. There was also a decrease in Locator Error, a very good thing as this relates to my audience today. We saw a drop from 15% in 2019 to the 11% figure you see for 2020. I tip my hat to you and your locators.

Stats (4 of 6) Types of Work Performed: Not too many changes to report here. There were 1% changes to several pieces of the pie you see here. The biggest change we saw was the Fencing slice, up from 12% in 2019 to 15% in 2020. Again, we attribute this to increase homeowner activities, getting those home improvement or repair projects done during the pandemic.

Stats (5 of 6) Types of Equipment: Again, not too many changes here, however 2 of the slices stand out and worth noting: Boring damages dropped from 11% in 2019 to 9% in 2020. And I know it sounds odd to say, but I'm happy to report we saw an increase in Hand Tool damages, up from 23% in 2019 to 27% in 2020. Now, while some of that can be attributed to the increase in homeowner activity, it also can be linked that more excavators are using hand tools near pipeline, being mindful of those tolerance zones, or they are making more of an effort to daylight those lines. Either way, I would much rather see hand tool damages than the heavy mechanized equipment when reviewing TDRFs. As mentioned before, we aim for this figure to increase with more outreach efforts.

Stats (6 of 6) Types of Excavator: Contractors continue to have the majority of the pie, but we did see a small drop with them, along with most of the others. But, as I mentioned before, homeowner and occupant figures went up. Combined they totaled 6.4% in 2019, going up to 8.4% in 2020.

Last reminder I think, if you are just joining, know that the archive video and materials will be available online afterwards, and drop any questions you have in the Q&A, to be answer here shortly.

Outreach Slide:

Even though the RRC also faced remote working hurdles like everyone else, we have been able to attend and have scheduled 51 events this fiscal year. Those included Damage Prevention Council meetings, Safety workshops with Tx811, and organizations like UPSA, the Utility Public Safety Alliance. I also had the opportunity to host a couple Excavator webinars, specifically to discuss Excavator Responsibilities of Chapter 18. This is a personal project that I'm aiming to develop further soon, fingers crossed, to reach as many excavators as possible, including targeted audiences/fields.

While much of our outreach this year has been virtual, I have already attended in-person events recently and know that more are being scheduled. Please, please feel free to reach out to me should any of you have something in the works that you would like to have us attend, I will do my very best to make it out to your event.

Q/A Slide:

Michael, how did we do on questions?

Contacts Slide:

Here is contact info for our Pipeline Damage Prevention Program. The main line listed will 'roll' through to each available Compliance Analyst, so you should reach someone. However, if you do reach our dept voicemail, know that I assist with managing that queue and will return the call asap.

IF you prefer, please reach out to me directly. You very well might reach my voicemail but can guarantee you will receive a call back asap. And just another reminder to contact me with any outreach opportunities you might be planning. I will do my best to make myself available to attend in person, or, if possible, virtually if travel is not possible.

Evaluation and Archive Video Slide:

So, I'd like to thank everyone one final time and remind you all to please, please, complete the survey for this webinar hosted on our website. The link is on the screen, but we don't expect you to try and jot that done. The link as well as the archive video of this presentation will be on the RRC website. The link will also be available in the Q&A...

Before we go, I'd like to check back in with Michael to see if any new questions have come in...

We'll recess for a lunch break now. When we get back at 2pm, Karley will resume with our next presentation. Thank you, again, and enjoy lunch!