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**Subject:** Comment Form for Proposed Rulemakings



## Comments Form for Proposed Rulemakings

### Date Submitted

Tuesday, December 01, 2015 9:28:07 AM

### Submitted By

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## Amend §3.86 and other rules re: UFT fields

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The discussion of laws is always complex and the underlying ramifications always seem to carry unintended consequences. In the effort to avoid the former we seek to eliminate ambiguity and refine our laws with amendments. Generally, I am looking at a set of recommended amendments as outlined in the memorandum from Haley Cochran, Attorney, General Counsel Section, Office of General Counsel, dated October 15, 2015. Of specific interest are the proposed amendments to §3.86(g) which are intended to 'clarify plat requirements' (page 3, line 16) as stated in the memorandum.

In reading the proposed changes, I believe they have accomplished that goal by specifying five (5) types of plats (surveys) that are to be filed; §3.86(g)(F)(2) Drilling Unit Plat, §3.86(g)(F)(2)(A) Proration Unit Plat, §3.86(g)(F)(3) Directional Survey, §3.86(g)(F)(4) Proration Unit Plat and §3.86(g)(F)(5) As-Drilled Plat. These are all very different types of surveys in both field execution and the information conveyed and so warrant an individual plat. Also specified is what each plat should depict, again another positive step to the intended goal 'clarify plat requirements'.

The last item §3.86(g)(F)(6) seems problematic from the 'clarify plat requirements' perspective. Some of the plats require the specialized skills of a professional Land Surveyor and others the specialized skills of a professional Engineer and some may require both. First, let me explain my understanding of that item. By citing the respective Texas Occupations Code for both Land Surveyors and Engineers the roles of each are effectively identified by the statement 'in accordance with'. That means that each professional should practice in the areas of both professional competence and authorization by the Occupations code. For example, I prepare a 40 acre unit plat that depicts a well site with ties to sections lines as a Land Surveyor under the authority of the Texas Occupations Code, §1071.002 (6)(A)(i). If, as an Engineer, I were to provide the same plat then I would be violating Texas Occupations Code, §1001.003 (2). This simple example I feel is well covered by the proposed changes as written, however given the drive for efficiencies in today's business environment the simple rarely is. Using the same example; I have provided a 'unit plat' as a Land Surveyor and subsequently receive a request to provide an 'as-drilled plat'. I certainly could locate the well on the surface, but could I as a Land Surveyor factually determine the well bore path or the first and last take points? Probably not without an Engineer's input. If I performed my due diligence and got that input, then who produced the plat? Would it be consistent with plats produced by an Engineer?

In conclusion, I am of the opinion that the proposed change should not contain §3.86(g)(F)(6), rather a direct call for each plat type as to which professional (maybe both) should prepare it. I think this would provide the Railroad Commission and the public with the best possible data and more consistent plats from the represented professions. In addition it would provide the professionals involved clear unambiguous guidance and truly 'clarify plat requirements'.

Respectfully submitted,  
John Allen, R.P.L.S.

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