

Kellie Martinec

From: Tony Estrada <tony.estrada@txls.texas.gov>
Sent: Friday, December 04, 2015 6:41 PM
To: rulescoordinator
Subject: O&G Docket No. 20-0298484
Attachments: O&G Docket No 20-0298484.pdf

Please see the attached response from the Board regarding proposed rule §3.86(g)(6).

Marcelino A. Estrada
Executive Director

Texas Board of Professional Land Surveying
12100 Park 35 Circle, A-156
MC-230
Austin, Texas 78753
512-239-5261
512-239-5253 (fax)



TEXAS BOARD OF PROFESSIONAL LAND SURVEYING

12100 Park 35 Circle, Bldg. A, Suite 156 MC-230 Austin TX 78753
(512) 239 5263 Fax (512) 239 5253

December 4, 2015

Rules Coordinator
Office of General Counsel
Railroad Commission of Texas
PO Box 12967
Austin, Texas 78711-2967

VIA EMAIL

RE: O&G Docket No. 20-0298484
Proposed Rule 16 Tex. Admin. Code §3.86(g)(6), Plat Requirements

To Whom It May Concern:

The Texas Board of Professional Land Surveying respectfully submits its opposition to the proposed rule published in the Texas Register on November 6, 2015 at page 7774, specifically 16 Tex. Admin. Code §3.86(g)(6), Plat Requirements. Section 3.86(g)(6) states that a plat required by §3.86 shall include "a certification by a professional land surveyor...or by a registered professional engineer."

Throughout §3.86, references are made to the determination of areas, boundaries, surveys and mapping. The Professional Land Surveying Practices Act (Tex. Occ. Code, Chap. 1071) defines "professional surveying" as the practice of land, boundary, or property surveying or other similar professional practices including:

"(A) performing any service or work the adequate performance of which involves applying special knowledge of the principles of geodesy, mathematics, related applied and physical sciences, and relevant laws to the measurement or location of sites, points, lines, angles, elevations, natural features, and existing man-made works in the air, on the earth's surface, within underground workings, and on the beds of bodies of water to determine areas and volumes for:

- (i) locating real property boundaries;
- (ii) platting and laying out land and subdivisions of land; or
- (iii) preparing and perpetuating maps, record plats, field note records, easements, and real property descriptions that represent those surveys; and

(B) consulting, investigating, evaluating, analyzing, planning, providing an expert surveying opinion or testimony, acquiring survey data, preparing technical reports, and mapping to the extent those acts are performed in connection with acts described by this subdivision."

At a previous Board meeting, the Texas Board of Professional Land Surveying examined the application of the minimum standards established by its rules as they related to oil and gas well permit plats. The members identified three requirements as to the application of those minimum standards that would make oil and gas well plats certified by a registered professional land surveyor compliant with our rules and suitable for filing with the Railroad Commission.

It is our belief that language used in your rule §3.86 is identifying land surveying as regulated by the Texas Board of Professional Land Surveying through the Professional Land Surveying Practices Act and its Board rules. While the Texas Board of Professional Engineers' rules may not prohibit an engineer from certifying an oil and gas well plat, not being a registered professional land surveyor places them in violation of our rules. Registered professional land surveyors are licensed and regulated for the purpose of protecting the health, safety and welfare of the public. By allowing an individual who is not a registered professional land surveyor to perform in an area regulated by the Texas Board of Professional Land Surveying is putting the health, safety and welfare of the public at risk because those plats, certified by someone other than a professional land surveyor, will create problems with land ownership.

We respectfully submit the following amendment to proposed rule §3.86(g)(6):

"(6) Plat requirements. All plats required by this section shall be prepared using blue or black ink and shall include a certification by a registered professional land surveyor registered in accordance with Texas Occupations Code, Chapter 1071, relating to Land Surveyors, ~~or by a registered professional engineer registered in accordance with Texas Occupations Code, Chapter 1001, relating to Professional Engineers.~~"

Sincerely,



Marcelino A. Estrada
Executive Director