

Kellie Martinec

From: Loveday, Doug <dougl@tsps.org>
Sent: Friday, December 04, 2015 3:47 PM
To: rulescoordinator
Subject: Re: Amend §3.86 and other rules re: UFT fields

The Texas Society of Professional Surveyors generally supports the proposed rules changes by the Texas Railroad Commission as published in the November 6, 2015 edition of the Texas Register and greatly appreciates the Commission's expense of time and effort to prepare these revisions. TSPS desires to direct comments specifically to:

Chapter 3 – Oil and Gas Division

TAC § 386 Horizontal Drainhole Wells

(g) Drilling Applications and Required Reports

(6) All plats required by this subsection shall be prepared using blue or black ink and shall include a certification by a 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 1011 relating to Professional Engineers.

TSPS is of the opinion that registered professional engineers are not qualified or legally authorized to certify by signature and professional seal the plats required in the subsection and respectfully request the words “or by a registered professional engineer registered in accordance with Texas Occupations Code, Chapter 1011 relating to Professional Engineers” be struck from the paragraph.

The proposed changes to § 386 include more than a dozen references to the determination of areas, boundaries, original surveys and mapping as defined above, which are the responsibility of a Registered Professional Land Surveyor (RPLS) as defined in Chapter 1071 of the Texas Occupations Code. All of these works relate to the location of boundaries of real property and other interests in real property such as leases, pooled units, unitized tracts, etc. According to the Texas Occupations Code, Chapter 1011, Subchapter A. General Provisions, Sec. 1001.003. Practice of Engineering, (a), (2) ““Engineering Survey” includes any survey activity required to support the sound conception, planning, design, construction, maintenance, or operation of an engineered project. The term does not include the surveying of real property or other activity regulated under Chapter 1071.”

A directional or horizontal survey as defined by the Texas Railroad Commission may be considered an engineering function but it is the relationship of a well bore as determined by that survey to the boundaries of leases, pooled units, unitized tracts, subdivisions, rights of way, parcels of land, and other interests in real property, that is to be depicted on these certified plats. Consequently, it is the opinion of TSPS that all plats required by this subsection must be prepared and certified by, and only by, an RPLS.

Thank you for your consideration.

Sincerely,

Bill O'Hara, RPLS, LSL
Chairman, TSPS Governmental Affairs Committee

Doug Loveday

TSPS Communications Director
512-327-7871 | www.tsps.org



Texas Society of Professional Surveyors

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