SOAH DOCKET NO. 473-10-5546
PUC DOCKET NO. 38354

APPLICATION OF LCRA TRANSMISSION SERVICES CORPORATION TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE MCCAMEY D TO KENDALL TO GILLESPIE 345-KV CREZ TRANSMISSION LINE IN SCHLEICHER, SUTTON, MENARD, KIMBLE, MASON, GILLESPIE, KERR, AND KENDALL COUNTIES	§	**BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS**

LCRA TRANSMISSION SERVICES CORPORATION'S RESPONSE TO CLEAR VIEW ALLIANCE'S FOURTH REQUEST FOR INFORMATION

Question No. 4-16:

Do any of LCRA TSC's existing 345 kV transmission lines parallel an interstate highway? If so, please identify each such highway and state the length (in miles or feet) that an LCRA TSC existing 345 kV transmission line parallels that highway.

Response No. 4-16:

Please see response to Question 4-15.

Preparer: Nathan Laughlin Title: Engineer, LCRA
Sponsor: Curtis Symank Title: Engineering Supervisor, LCRA

SOAH DOCKET NO. 473-10-5546
PUC DOCKET NO. 38354

APPLICATION OF LCRA TRANSMISSION SERVICES CORPORATION TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE MCCAMEY D TO KENDALL TO GILLESPIE 345-KV CREZ TRANSMISSION LINE IN SCHLEICHER, SUTTON, MENARD, KIMBLE, MASON, GILLESPIE, KERR, AND KENDALL COUNTIES	§ § § § § § § § § §	**BEFORE THE STATE OFFICE** **OF** **ADMINISTRATIVE HEARINGS**

LCRA TRANSMISSION SERVICES CORPORATION'S RESPONSE TO CLEAR VIEW ALLIANCE'S FOURTH REQUEST FOR INFORMATION

Question No. 4-17:

Do any of LCRA TSC's existing transmission lines parallel an interstate highway and utilize any portion of highway ROW (overlap), rather than only abut highway ROW? If so, please identify each such highway and state the length (in miles or feet) that an LCRA TSC existing transmission line utilizes a portion of highway ROW.

Response No. 4-17:

Please see response to Question 4-15.

Preparer: Nathan Laughlin Title: Engineer, LCRA
Sponsor: Curtis Symank Title: Engineering Supervisor, LCRA

SOAH DOCKET NO. 473-10-5546
PUC DOCKET NO. 38354

APPLICATION OF LCRA TRANSMISSION SERVICES CORPORATION TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE MCCAMEY D TO KENDALL TO GILLESPIE 345-KV CREZ TRANSMISSION LINE IN SCHLEICHER, SUTTON, MENARD, KIMBLE, MASON, GILLESPIE, KERR, AND KENDALL COUNTIES	§ § § § § § § § § §	**BEFORE THE STATE OFFICE** **OF** **ADMINISTRATIVE HEARINGS**

LCRA TRANSMISSION SERVICES CORPORATION'S RESPONSE TO
CLEAR VIEW ALLIANCE'S FOURTH REQUEST FOR INFORMATION

Question No. 4-18:

Do any of LCRA TSC's existing transmission lines parallel a US highway? If so, please identify each such highway and state the length (in miles or feet) that an LCRA TSC existing transmission line parallels that highway.

Response No. 4-18:

Please see response to Question 4-15.

Co-Preparer: Jessica Melendez — Title: Engineer, LCRA
Co-Preparer: Nathan Laughlin — Title: Engineer, LCRA
Sponsor: Curtis Symank — Title: Engineering Supervisor, LCRA

SOAH DOCKET NO. 473-10-5546
PUC DOCKET NO. 38354

APPLICATION OF LCRA TRANSMISSION SERVICES CORPORATION TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE MCCAMEY D TO KENDALL TO GILLESPIE 345-KV CREZ TRANSMISSION LINE IN SCHLEICHER, SUTTON, MENARD, KIMBLE, MASON, GILLESPIE, KERR, AND KENDALL COUNTIES	§	**BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS**

LCRA TRANSMISSION SERVICES CORPORATION'S RESPONSE TO CLEAR VIEW ALLIANCE'S FOURTH REQUEST FOR INFORMATION

Question No. 4-19:

Do any of LCRA TSC's existing 345 kV transmission lines parallel a US highway? If so, please identify each such highway and state the length (in miles or feet) that an LCRA TSC existing 345 kV transmission line parallels that highway.

Response No. 4-19:

Please see response to Question 4-15.

Preparer: Nathan Laughlin Title: Engineer, LCRA
Sponsor: Curtis Symank Title: Engineering Supervisor, LCRA

SOAH DOCKET NO. 473-10-5546
PUC DOCKET NO. 38354

APPLICATION OF LCRA TRANSMISSION SERVICES CORPORATION TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE MCCAMEY D TO KENDALL TO GILLESPIE 345-KV CREZ TRANSMISSION LINE IN SCHLEICHER, SUTTON, MENARD, KIMBLE, MASON, GILLESPIE, KERR, AND KENDALL COUNTIES	§	**BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS**

LCRA TRANSMISSION SERVICES CORPORATION'S RESPONSE TO CLEAR VIEW ALLIANCE'S FOURTH REQUEST FOR INFORMATION

Question No. 4-20:

Do any of LCRA TSC's existing transmission lines parallel a US highway and utilize any portion of highway ROW (overlap), rather than only abut highway ROW? If so, please identify each such highway and state the length (in miles or feet) that an LCRA TSC existing transmission line utilizes a portion of highway ROW.

Response No. 4-20:

Please see response to question 4-15.

Preparer: Nathan Laughlin Title: Engineer, LCRA
Sponsor: Curtis Symank Title: Engineering Supervisor, LCRA

SOAH DOCKET NO. 473-10-5546
PUC DOCKET NO. 38354

APPLICATION OF LCRA TRANSMISSION SERVICES CORPORATION TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE MCCAMEY D TO KENDALL TO GILLESPIE 345-KV CREZ TRANSMISSION LINE IN SCHLEICHER, SUTTON, MENARD, KIMBLE, MASON, GILLESPIE, KERR, AND KENDALL COUNTIES	§	**BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS**

LCRA TRANSMISSION SERVICES CORPORATION'S RESPONSE TO CLEAR VIEW ALLIANCE'S FOURTH REQUEST FOR INFORMATION

Question No. 4-21:

Looking at Curtis Symank's Direct Testimony at page 28 where he discusses construction of the McCamey D to Kendall line and the use of ROW for US 277 and IH-10, please provide the following information:

a. Identify the representatives of LCRA TSC and the representatives of TX DOT (see lines 5-7;

b. State when the communications occurred and describe their content; and

c. Provide a copy of all memoranda, meeting notes, emails, correspondence, telephone conversation notes and other documents regarding discussions between representatives of LCRA TSC and TX DOT (see lines 5-7).

Response No. 4-21:

(a) Steve Zoromsky, Sara Morgenroth, David Turner (former LCRA), Jerry Insall and Curtis Symank were LCRA representatives involved in these communications. Toribio Garza, Jr., P.E. (Director, Maintenance Division) and Robert Blackwell, P.E., R.P.L.S. (Maintenance Division) were TXDOT representatives involved in these communications.

(b) A meeting occurred on October 15, 2009 between Steve Zoromsky, Jerry Insall, David Turner, Sara Morgeroth, Toribio Garza, and Robert Blackwell. The topics discussed during this meeting included the Motion to Delay the filing date of this CCN application, the requests from the public about following the US277/IH10 highways, and potential considerations related to routing along and crossing US277 and IH10.

A second meeting occurred on June 22, 2010 between Steve Zoromsky, Curtis Symank,

Sara Morgenroth, Toribio Garza, and Robert Blackwell. The topics discussed during this meeting included the concepts of following US277 and IH10 that LCRA was proposing, the applicable TXDOT issues and sections of the Texas Administrative Code, and potential considerations related to routing along and crossing US277 and IH10. The result of this meeting was a letter from Curtis Symank to Toribio Garza on June 22, 2010 and a reply for Mr. Garza to Mr. Symank on June 24, 2010. These letters are including as Exhibit CDS-10 to Mr. Symank's Direct Testimony.

(c) See Exhibit CDS-10 of the Direct Testimony of Curtis Symank. Also please see Clearview_Alliance_4th_RFI_Q4-21_Attachment 1 for responsive documents. The Texas Administrative Code is a publicly available document

Co-Preparer: Sara Morgenroth	Title: Senior Regulatory Case Manager, LCRA
Co-Preparer: Curtis Symank	Title: Engineering Supervisor, LCRA
Co-Sponsor: Sara Morgenroth	Title: Senior Regulatory Case Manager, LCRA
Co-Sponsor: Curtis Symank	Title: Engineering Supervisor, LCRA

Texas Department of Transportation

MAINTENANCE DIVISION REVIEW
Project No. 37049 - LCRA TSC PROPOSED TWINS-McCAMEY DWESTWIND-KENDALL 345Kv TRANSMISSION LINE

Potential Stumbling Blocks

- **Narrow/limited R.O.W.**
- **Control of Access: 43TAC 21.37**
- **Exceptions: 43TAC 21.35**
- **Monopole required on longitudinal installations: 43TAC 21.41**
- **36-inch monopole maximum size: 43TAC 21.41(d)(1)- LCRA TSC will require a minimum of 60 inches for this size line.**
- **FHWA approval required.**

Related Correspondence (Chronological)

From	To	Date	Summary
The Honorable Andrew S. Murr Kimble County Judge	Chairman Barry Smitherman Public Utility Commission of Texas	June 26, 2009	Transmission of Resolution of the Kimble County Commissioners Court urging the Public Utility Commission of Texas ("PUC") and LCRA TSC to expand the presently-identified study area for the possible transmission of energy from the proposed McCamey D Station to the proposed Westwind Station. In addition, Kimble County strongly encourages the PUC and the LCRA TSC to adopt an alternate transmission line route following, utilizing and/or paralleling existing 138kV transmission line(s) located in Menard, Mason and Gillespie Counties.
Chairman Barry Smitherman Public Utility Commission of Texas	The Honorable Andrew S. Murr Kimble County Judge	July 8, 2009	Acknowledges receipt of the Resolution of the Kimble County Commissioners Court citing the statutory PUCT governance of the route determination in issuing a CCN.
The Honorable Harvey Hilderbran, State Representative District 53	Chairman Barry Smitherman Public Utility Commission of Texas	July 10, 2009	Strongly encourages the Commission (PUC) to choose a route from the Proposed McCamey D Station Location down State Highway 277 then going eastward along the Interstate 10 corridor to the Kendall Station, near Comfort, outside the LCRA current Study Area in deference to citizen concerns. It cites the deleterious impact on present and future residents, landowners and visitors with numerous economical, environmental,

			aesthetic and health consequences. It urges PUC & LCRA TSC to respect the citizens input.
K. Vivian Saiz, City Secretary City of Junction	Barry T. Smitherman Chairman PUC and Commissioners	July 21,2009	Transmission of a Resolution passed by the Junction City Council at its regular meeting held on July 13, 2009 requesting a reconsideration and/or re-evaluation the current proposed plan.
Barry T. Smitherman Chairman PUC	K. Vivian Saiz, City Secretary City of Junction	August 4, 2009	Acknowledges receipt of City of Junction's Resolution urging the respect of the input and concerns of the Citizens of Hill Country, including the numerous members of the CVA (Clear View Association) and landowners of Kimble County about the propose LCRA TSC transmission line
The Honorable Joe Straus	Chairman Barry Smitherman Public Utility Commission of Texas	September 22, 2009	Urging Commissioners to do what is necessary to listen to landowners.

THIS DOCUMENT CONTAINED A BARCODE

UNABLE TO SCAN

TO VIEW DOCUMENT(S)
PLEASE GO TO
PUC'S
CENTRAL RECORDS

(512) 936-7180

Barry T. Smitherman
Chairman

Rick Perry
Governor

Public Utility Commission of Texas

July 8, 2009

The Honorable Andrew S. Murr
Kimble County Judge
501 Main Street
Junction, Texas 76849

Dear Judge Murr:

Thank you for your recent letter and resolution from the Kimble County Commissioners Court. Because much the renewable energy transmission effort involves a contested case, I will file your letter in Docket No. 37049 along with my response.

The determination of which route to use in granting a CCN, for the siting of high capacity transmission lines necessary to deliver wind energy from West Texas to the major load centers of our state, is governed by both statute and PUCT rules. The Commission is charged with choosing the ultimate route location, though the utility, in this case LCRA, will recommend a preferred route and numerous alternative routes.

The Public Utility Regulatory Act (PURA Section 37.056) sets out the criteria used by the Commission in deciding to grant the CCN, and with it the ultimate location of the transmission route. Those factors include, among other things, community values, recreational and park areas, historical and aesthetic values, environmental integrity, and the effect of granting the CNN on the state's ability to meet its renewable energy goals. Our rules also list routing criteria, such as whether the proposed routes utilize or parallel existing compatible rights-of-way, whether the routes parallel property lines or other natural or cultural features, and whether the routes conform to the policy of prudent avoidance.

The siting of high capacity transmission lines is of critical importance to our state, as the reliability of the transmission system ensures that the lights always stay on. Also, our state has made a commitment to renewable energy and most of that must be transported from West Texas and the Panhandle to the I-35 corridor and beyond. However, the process can be difficult and emotional for landowners. Therefore, it very important that we follow the criteria listed in both statute and Commission rule. LCRA has not yet filed its application and proposal for the siting of the transmission lines. However, when the application is filed, the Commission will take all these factors into account when making its decision.

Sincerely

Barry T. Smitherman

ANDREW S. MURR
KIMBLE COUNTY JUDGE
501 MAIN STREET
JUNCTION, TEXAS 76849
(325) 446-2724 TELEPHONE (325) 446-2986 FACSIMILE

June 26, 2009

VIA FIRST CLASS MAIL

Public Utility Commission of Texas
1701 N. Congress Avenue
Austin, Texas 78701

RE: **Project No. 37049 – LCRA TSC PROPOSED TWINS-McCAMEY D-WESTWIND-KENDALL 345Kv TRANSMISSION LINE**

Dear Chairman Smitherman and Commissioners:

Enclosed for your review is Resolution No. 09-05, adopted and approved by the Kimble County Commissioners Court on June 23, 2009 relating to the proposed 345kV transmission line project that may be constructed in and through Kimble County, Texas, by the Lower Colorado River Authority Transmission Services Corporation ("LCRA TSC").

Importantly, this Resolution urges the Public Utility Commission of Texas ("PUC") and LCRA TSC to expand the presently-identified study area for the possible transmission of energy from the proposed McCamey D Station to the proposed Westwind Station. In addition, Kimble County strongly encourages the PUC and the LCRA TSC to adopt an alternate transmission line route following, utilizing and/or paralleling existing 138kV transmission line(s) located in Menard, Mason and Gillespie Counties.

For your convenience, both the proposed expanded study area and alternate route are further identified in Exhibit A to the Resolution. Additional details regarding the use of monopoles, negative impacts on Kimble County Airport, and minimum distance from existing habitable structures are also addressed in the Resolution.

The permanent impacts of such a massive imposition across the landscape of Kimble County clearly burdens present and future residents, landowners and visitors with numerous economical, environmental, ecological, historical, riparian, recreational, aesthetic and health consequences. Because much of the strength of our local economy has shifted from agriculture to recreation and tourism (including, for example, hunting, fishing, bird watching, hiking, biking, swimming, canoeing, etc.), the lack of substantial overreaching human "footprints" in, on and through our hills, creeks, springs, rivers and open spaces provides much of the incentive to sustain, grow and strengthen our existing and developing tourism economy into the dominant economy in our County. We therefore implore the PUC to consider all relevant factors when determining where this proposed transmission line would ultimately be located.

Please carefully consider this detailed Resolution during your deliberations. I appreciate your attention to this important matter. Should you have any questions or wish to visit further, please don't hesitate to give me a call.

Sincerely,

Andrew S. Murr
County Judge

cc: Office of the Governor
Hon. Rick Perry
P.O. Box 12428
Austin, Texas 78711-2428
(Via First Class Mail)

Office of the Lieutenant Governor
Hon. David Dewhurst
1400 Congress Ave.
Austin, Texas 78701-1932
(Via First Class Mail)

Hon. Senator Troy Fraser
Senate District 24
P.O. Box 12068
Capitol Station
Austin, Texas 78711
(Via First Class Mail)

Hon. Rep. Harvey Hilderbran
House District 53
P.O. Box 2910
Austin, Texas 78768
(Via First Class Mail)

Hon. Rep. Harvey Hilderbran
House District 53
125 Lehmann Drive
Kerrville, Texas 78028
(Via First Class Mail)

Ms. Sara Morgenroth
Ms. Barbara Hofmann
Lower Colorado River Authority
P.O. Box 220
Austin, Texas 78767-0220
(Via First Class Mail)

Mr. Bill Gunn
Texas Dept. of Transp. – Aviation Div.
125 E. 11th Street
Austin, Texas 78701
(Via First Class Mail)

Mr. Douglas E. Felix
Obstruction Evaluation Specialist
FAA Air Traffic Organization
Obstruction Evaluation Servs., AJR-322
2601 Meacham Blvd.
Fort Worth, Texas 76137
(Via First Class Mail)

Mr. Tom Kramer
Aviation Technical Specialist
Aircraft Owners and Pilots Association
421 Aviation Way
Frederick, Maryland 21701
(Via First Class Mail)

RESOLUTION 09-05

WHEREAS, the State of Texas is pursuing an aggressive strategy to increase the electricity generating capacity from renewable energy technologies;

WHEREAS, a plan was developed by the Public Utilities Commission of Texas ("PUC") to construct transmission capacity to deliver generated power from the five designated Competitive Renewable Energy Zones ("CREZ") to electric customers in the metropolitan areas, said plan containing massive structures and transmission lines that will cross over portions of Kimble County;

WHEREAS, the PUC has selected the Lower Colorado River Authority Transmission Services Corporation ("LCRA TSC") to construct and operate the segments of the transmission line that will be located in Kimble County;

WHEREAS, these transmission lines with their massive structures will create a visual scar across our county, will constitute a permanent disfigurement of the scenic Texas Hill Country landscape, and will potentially have dramatic, negative economic and health consequences for our residents by affecting tourism and devaluing property;

WHEREAS, the LCRA TSC specified the use of lattice structures in its bid to the PUC, and that such lattice structures have a huge footprint and will maximize the negative visual impact and economic consequences of the transmission lines in our beautiful Hill Country county;

WHEREAS, a group of local landowners and business leaders have organized a group called the Clear View Alliance ("CVA") to voice their concerns regarding the LCRA TSC's proposed routes (or links) through Texas Hill Country counties, including Kimble County; and

WHEREAS, the Kimble County Commissioners Court supports the pursuit of renewable energy sources and recognizes the need to deliver the energy to market.

NOW THEREFORE BE IT RESOLVED BY THE COMMISSIONERS COURT OF KIMBLE COUNTY:

1. That the Kimble County Commissioners Court urges the PUC and the LCRA TSC to respect the input of the citizens of the Hill Country, including the numerous members of the CVA and landowners of Kimble County, and consider the negative and potentially devastating economical, environmental, ecological, historical, riparian, recreational, aesthetic and health impacts and consequences a transmission line (of the scope and magnitude proposed by LCRA TSC) would have on the virtually unblemished landscape of Kimble County and its landowners and citizens;
2. That the Kimble County Commissioners Court urges the PUC and the LCRA TSC to expand the presently-identified study area for the possible transmission of energy from the proposed McCamey D Station in northern Schleicher County to the proposed Westwind Station to be located in northern Kerr County or southern Gillespie County;

3. That the Kimble County Commissioners Court strongly urges the PUC and LCRA TSC to **adopt the proposed alternate route following, utilizing and/or paralleling existing 138kV transmission line(s) traveling through Menard, Mason and Gillespie Counties** (as identified in Exhibit A attached hereto and incorporated herein by reference) to minimize the sacrifice of new lands and adhere to PUC's and LCRA TSC's preference to follow, utilize and/or parallel existing easements and rights-of-way, as recommended by the CVA and citizens of Kimble County;
4. That the Kimble County Commissioners Court urges the PUC and LCRA TSC to adopt the above-referenced alternate route because: (i) the costs associated with any new, permanent transmission line should not be the SOLE determining factor for the respective line's location—rather equal or even greater weight should also be given to anticipated detrimental impacts such a line is expected to have on landowners, the environment, land use and local economies; (ii) this alternate route applies commonly-held preferences for following, utilizing and/or paralleling existing easements and rights-of-way as much as possible; and (iii) this alternate route only marginally lengthens the distance between the proposed McCamey D and Westwind Stations (which can still be located to derive maximum benefit of this alternate route) while substantially reducing the encroachment of a line into pristine areas of the Hill Country and Kimble County;
5. That in the unlikely event that the PUC and the LCRA TSC refuse to expand the current study area and adopt the above-referenced alternate route, the Kimble County Commissioners Court requests and demands a detailed environmental impact study (in lieu of a lesser-detailed environmental assessment) of each proposed route in and through Kimble County;
6. That in the unlikely event that the PUC and the LCRA TSC refuse to expand the current study area and adopt the above-referenced alternate route, the Kimble County Commissioners Court urges these entities (i) to utilize the **smallest appropriate single or monopole structures (instead of lattice tower structures) having the least significant economic** degradation and negative aesthetic impact in the implementation of the CREZ transmission line plan affecting Kimble County and (ii) bury all transmission lines underground that **will cross Kimble County in developed, populated, riparian, historical and recreational areas as part of the CREZ transmission line plan;**
7. Further, that in the unlikely event that the PUC and the LCRA TSC refuse to expand the current study area and adopt the above-referenced alternate route, the Kimble County Commissioners Court urges these entities to **mitigate issues associated with or eliminate consideration of proposed links b19 and/or b21 because of their proximity to Kimble County Airport** in conflict with Federal Aviation Administration criteria for proposed ground structures and their anticipated negative impacts to (i) aviation approaches to Runway 17; (ii) approaching aircraft resulting from EMF interference; (iii) the frequency of utilization of Kimble County Airport by aviators; and (iv) airport fuel sales and our local economy; and
8. Further, that in the unlikely event that the PUC and the LCRA TSC refuse to expand the current study area and adopt the above-referenced alternate route, the Kimble County Commissioners Court urges these entities, based upon scientific data provided by the CVA and public statements made by representatives of LCRA TSC relating to the approximate safe distances appropriate to reduce or minimize any potential harmful effects and health hazards associated with high-voltage transmission lines, to adopt rules dictating that **any and all 345 kV transmission lines constructed through Kimble County maintain a minimum**

distance of at least 1,400 feet from the centerline of the proposed route or easement to any existing habitable structure and/or its surrounding buildings and structures.

ACCORDINGLY on this 23rd day of June, 2009, in a meeting of the Commissioners Court of Kimble County, duly convened and acting in its capacity as governing body at Kimble County, this resolution is hereby adopted.

ANDREW S. MUER
County Judge

BILLY BRASWELL
Commissioner Pct. 1

CHARLES MCGUIRE
Commissioner Pct. 2

WILEY TAP
Commissioner Pct. 3

TOOTER SCHULZE
Commissioner Pct. 4

ATTEST:

HAYDEE TORRES, County Clerk

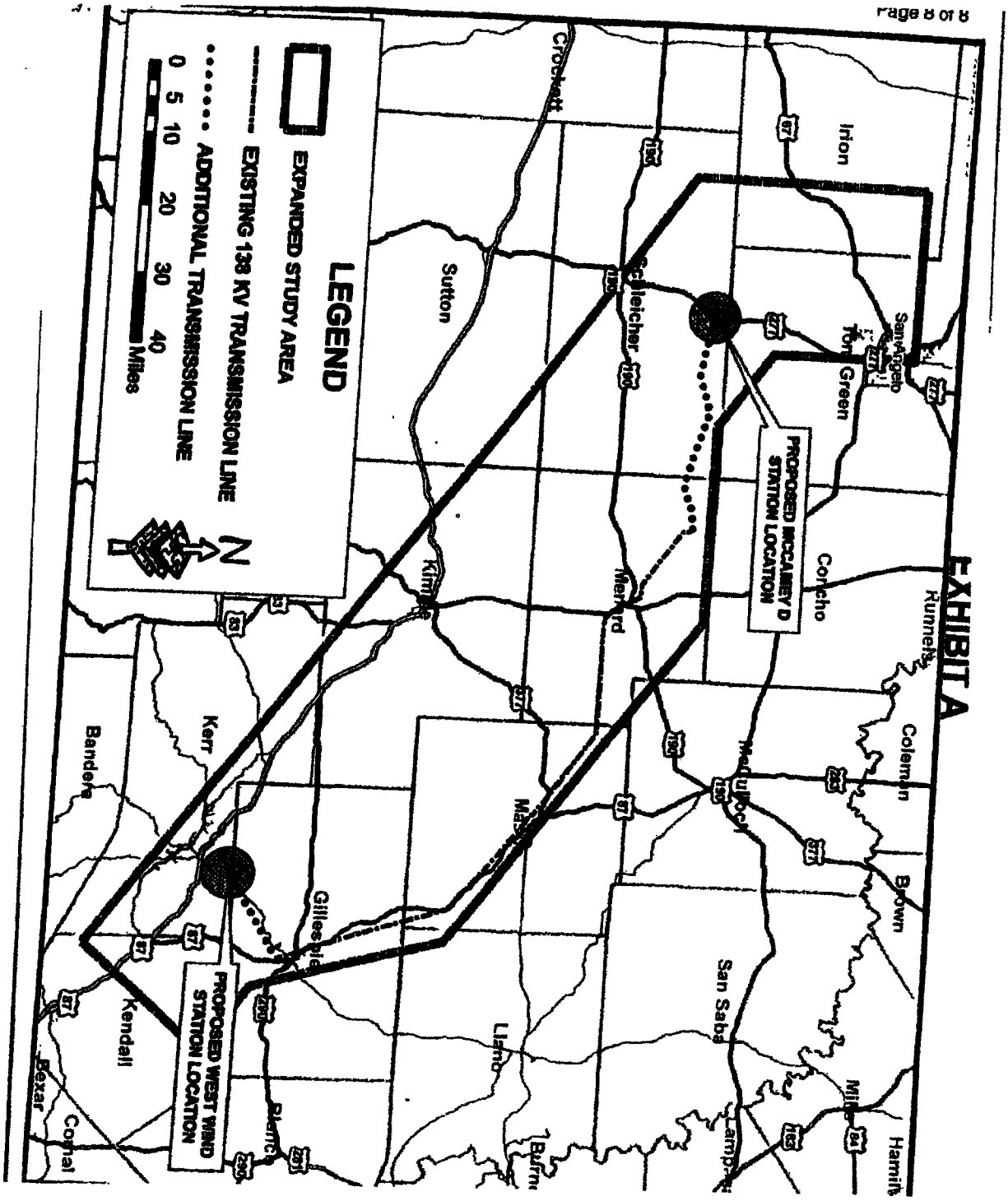

Page 8 of 8
LEGEND
EXPANDED STUDY AREA
EXISTING 138 KV TRANSMISSION LINE
ADDITIONAL TRANSMISSION LINE
0 5 10 20 30 40
Miles
N
EXHIBIT A
PROPOSED MCCAMEY D STATION LOCATION
PROPOSED WEST WIND STATION LOCATION
Crockett
Sutton
Schleicher
Irion
Tom Green
San Angelo
Concho
Runnels
Coleman
Brown
Kimble
Menard
Mason
Kerr
Bandera
Kendall
Gillespie
Llano
San Saba
Mills
Hamilton
Lampasas
Bexar
Comal

EXHIBIT A
Page 1 of 2

RECEIVED
JUL 15 2009
7-2009-19
GENERAL MANAGER

Harvey Hilderbran
MEMBER

The Texas House of Representatives
State Representative • District 53

PO Box 2910
Austin, Texas 78768-2910
512-463-0536

July 10, 2009

Chairman Barry Smitherman
Public Utility Commission of Texas
PO Box 13326
Austin, Texas 78711

Dear Chairman Smitherman:

I am writing in respect to the many pieces of correspondence that my office has received regarding the CREZ Priority Projects, specifically the Twin Buttes to McCamey D to Westwind to Kendall Project. It is my understanding that the Public Utility Commission has yet to make a decision regarding the proposed 345 kilovolt transmission line project.

I understand the need to distribute power efficiently and effectively to all areas of Texas but not at the expense of diminishing property values and the pristine views of the Hill County. And it is in that spirit that I want to strongly encourage the Commission to choose a route from the Proposed McCamey D Station Location down State Highway 277 then going eastward along the Interstate 10 corridor to the Kendall Station, near Comfort. I recognize that this would require going outside the LCRA Study Area. However, I believe this 277/I-10 proposal should have been included in the LCRA Study Area originally. Additionally, I would encourage the PUC direct LCRA to use single pole structures as they cross the municipalities of Eldorado, Sonora, Junction, as well as from Kerrville to the Kendall Station near Comfort.

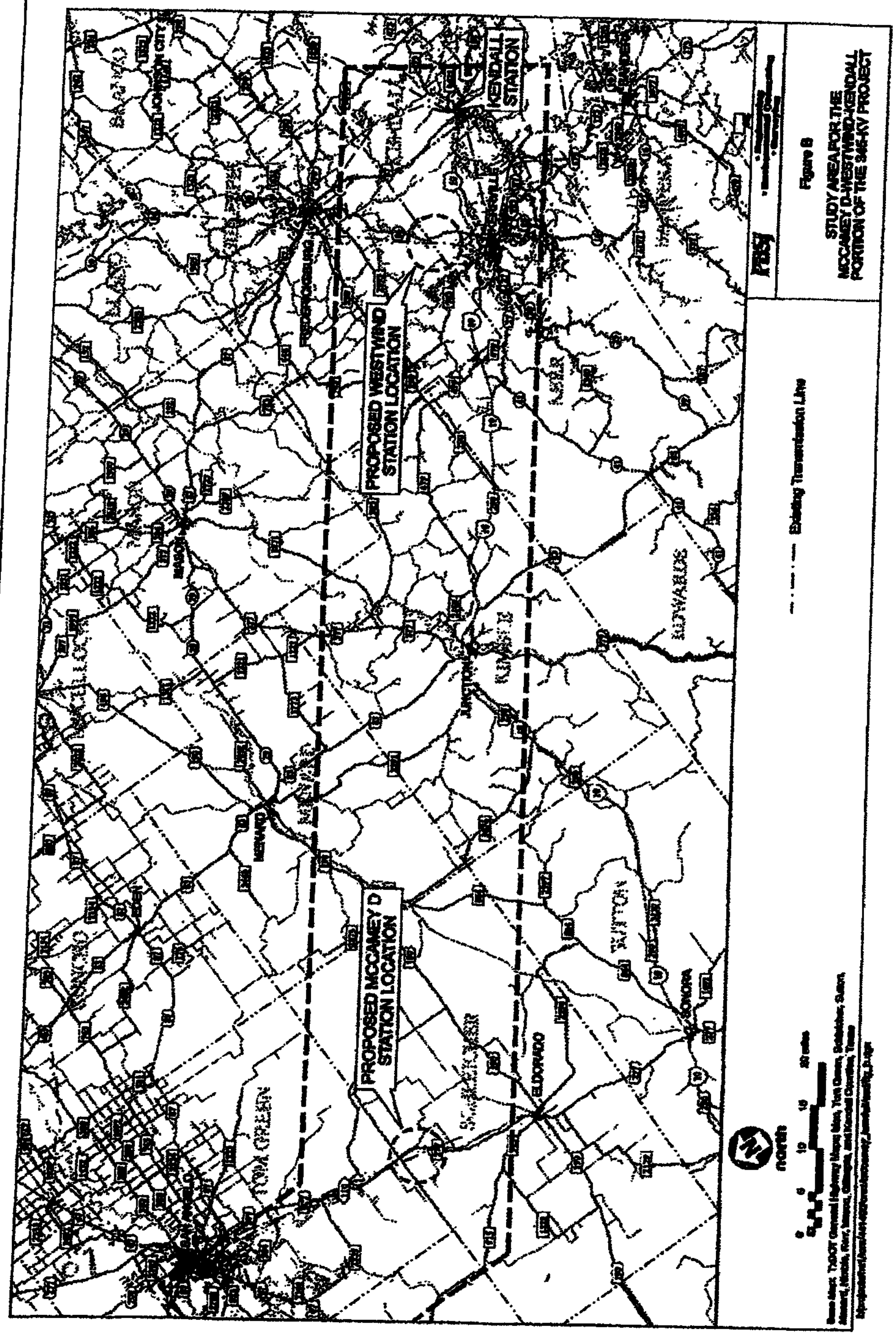
It has been a pleasure working with you as a member of the House Committee on State Affairs, and I look forward to working with you next session on utility issues and the sunset process.

If a meeting is necessary, please coordinate with Isaac Albarado in my capitol office. You can reach him at 512-463-0536 or by email at isaac.albarado@house.state.tx.us.

Sincerely,

HARVEY HILDERBRAN
State Representative

Cc: Commissioner Kenneth W. Anderson Jr.
Commissioner Donna L. Nelson
Thomas G. Mason, LCRA General Manager
Calhoun, Coleman, Cowden, Crockett, Davis, Kerr, Kimble, Mason, McCulloch, Menard, Real, Runnels, San Saba, Schleicher & Sutton Counties


PROPOSED WESTWIND STATION LOCATION
KENDALL STATION
PROPOSED MCCAMEY D STATION LOCATION
Existing Transmission Line
north
Figure 8
STUDY AREA FOR THE MCCAMEY D-WESTWIND-KENDALL PORTION OF THE 345-KV PROJECT

THIS DOCUMENT CONTAINED A BARCODE

UNABLE TO SCAN

TO VIEW DOCUMENT(S)
PLEASE GO TO
PUC'S
CENTRAL RECORDS

(512) 936-7180

Barry T. Smitherman
Chairman

Rick Perry
Governor

Public Utility Commission of Texas

37049

August 4, 2009

K. Vivian Saiz, City Secretary
City of Junction
730 Main Street
Junction, Texas 76849

Dear Ms. Saiz,

Thanks for sending me the copy of the resolution recently passed by the City of Junction. Because the application for a CCN by LCRA, to build transmission lines between Kendall and McCamey substations, will be filed here at the Commission in the near future, I have filed a copy of your letter and my response in that docket. I appreciate the city's concerns. My family had a ranch in the Hill Country when I was a boy and we still have very fond memories of that beautiful property.

Texas is a leader in the development of renewable energy resources. Renewable energy reduces our dependence upon volatile commodities that raise the price of electricity. And, if climate change legislation is approved in Washington, we will need lots of renewable energy in order to further dampen the electricity price increases that will result from taxes placed on burning fossil fuels. A recent study by our electric grid operator estimates that building enough transmission to move 18,500 MW of wind energy reduces the negative price impacts of climate change legislation on Texans by about 30%.

Our predominant renewable resource today is wind, and the best wind resources are located in West Texas and the Panhandle. In order to get that resource from where the wind blows to where most of the people in Texas live, which is the I-35 corridor and parts east, we must build high capacity transmission lines through parts of our state which before today may have had little to no transmission infrastructure. This lack of high voltage transmission between I-20 and I-35 has also contributed to congestion on the ERCOT grid, which has produced price spikes in South Texas and the Houston area.

You should know that the Commission, in an Open Meeting scheduled on July 30, directed LCRA to consider as many route options as possible. When the case finally comes before the Commission, we will balance the cost of route options which are longer and probably more expensive against those that follow a more direct and less expensive path.

The use of monopole structures has been selectively used in the past, but because of the higher up front capital costs, monopole use is done on a case-by case basis and may depend upon landowner or municipal participation to reduce costs. Burying transmission lines is almost always prohibitively expensive.

Because the cost of transmission is paid for by all ratepayers within the ERCOT grid, the Commission historically has placed a lot of weight on keeping costs low. However, other factors, as required by statute and our rules, are also important and will be considered during our deliberations.

Thanks again for writing.

Sincerely,

Barry T. Smitherman

Exhibit B
Page 4 of 7

CITY OF JUNCTION

730 MAIN STREET
JUNCTION, TEXAS 76849
325.446.2622
325.446.3003 FAX

RECEIVED
JUL 27 2009
Chairman's Office

July 21, 2009

Chairman Smitherman and Commissioners
Public Utility Commission
1701 N. Congress
Austin, Texas 78701

Dear Sirs:

Enclosed is a Resolution passed by the Junction City Council at its regular meeting held on July 13, 2009. The City of Junction requests that you reconsider and/or re-evaluate the current proposed plan.

If you have any questions or need additional information, please do not hesitate to call Mayor Shannon R. Bynum at 832-256-3335.

Sincerely,

K. Vivian Saiz
City Secretary
City of Junction

CITY OF JUNCTION

730 MAIN STREET
JUNCTION, TEXAS 76849
325.446.2522
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RESOLUTION

WHEREAS, the State of Texas is pursuing an aggressive strategy to increase the electricity generating capacity from renewable energy technologies;

WHEREAS, a plan was developed by the Public Utilities Commission of Texas ("PUC") to construct transmission capacity to deliver generated power from the five designated Competitive Renewable Energy Zones ("CREZ") to electric customers in the metropolitan areas, said plan containing massive structures and transmission lines that will cross over portions of Kimble County;

WHEREAS, the PUC has selected the Lower Colorado River Authority Transmission Services Corporation ("LCRA TSC") to construct and operate the segments of the transmission line that will be located in Kimble County;

WHEREAS, these transmission lines with their massive structures will create a visual scar across our county, will constitute a permanent disfigurement of the scenic Texas Hill Country landscape, and will potentially have dramatic, negative economic and health consequences for our residents by affecting tourism and devaluing property;

WHEREAS, the LCRA TSC specified the use of lattice structures in its bid to the PUC, and that such lattice structures have a huge footprint and will maximize the negative visual impact and economic consequences of the transmission lines in our beautiful Hill Country county;

WHEREAS, a group of local landowners and business leaders have organized a group called the Clear View Alliance ("CVA") to voice their concerns regarding the LCRA TSC's proposed routes (or links) through Texas Hill Country counties, including Kimble County; and

WHEREAS, the City of Junction supports the pursuit of renewable energy sources and recognizes the need to deliver the energy to market.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF JUNCTION:

1. That the City of Junction urges the PUC and the LCRA TSC to respect the input of the citizens of the Hill Country, including the numerous members of the CVA and landowners of Kimble County, and consider the negative and potentially devastating economical, environmental, ecological, historical, riparian, recreational, aesthetic and health impacts and consequences a transmission line (of the scope and magnitude proposed by LCRA TSC) would have on the virtually unblemished landscape of Kimble County and its landowners and citizens;
2. That the City of Junction urges the PUC and the LCRA TSC to expand the presently-identified study area for the possible transmission of energy from the proposed McCamey D

Station in northern Schleicher County to the proposed Westwind Station to be located in northern Kerr County or southern Gillespie County

3. That the City of Junction strongly urges the PUC and LCRA TSC to adopt **the proposed alternate route following, utilizing and/or paralleling existing 138kV transmission line(s) traveling through Menard, Mason and Gillespie Counties** (as identified in Exhibit A attached hereto and incorporated herein by reference) to minimize the sacrifice or new lands and adhere to PUC's and LCRA TSC's preference to follow, utilize and/or parallel existing easements and rights-of-ways, as recommended by the CVA and citizens of Kimble County.
4. That the City of Junction urges the PUC and LCRA TSC to adopt the above-referenced alternate route because: (i) the costs associated with any new, permanent transmission line should not be the SOLE determining factor for the respective line's location—rather equal or even greater weight should also be given to anticipated detrimental impacts such a line is expected to have on landowners, the environment, land use and local economies; (ii) this alternate route applies commonly-held preferences for following, utilizing and/or paralleling existing easements and rights-of-way as much as possible; and (iii) this alternate route only marginally lengthens the distance between the proposed McCamey D and Westwind Stations (which can still be located to derive maximum benefit of this alternate route) while substantially reducing the encroachment of a line into pristine areas of the Hill Country and Kimble County;
5. That in the unlikely event that the PUC and the LCRA TSC refuse to expand the current study area and adopt the above-referenced alternate route, the City Council of the City of Junction requests and demands a detailed environmental impact study (in lieu of a lesser-detailed environmental assessment) of each proposed route in and through Kimble County;
6. That in the unlikely event that the PUC and the LCRA TSC refuse to expand the current study area and adopt the above-referenced alternate route, the City Council of the City of Junction urges these entities (i) **to utilize the smallest appropriate single or monopole structures (instead of lattice tower structures)** having the least significant economic degradation and negative aesthetic impact in the implementation of the CREZ transmission line plan affecting Kimble County and (ii) **bury all transmission lines underground that will cross Kimble County in developed, populated, riparian, historical and recreational areas** as part of the CREZ transmission line plan;
7. Further, that in the unlikely event that the PUC and the LCRA TSC refuse to expand the current study area and adopt the above-referenced alternate route, the City Council of the City of Junction urges these entities to **mitigate issues associated with or eliminate consideration of proposed links b19 and/or b21 because of their proximity to Kimble County Airport** in conflict with Federal Aviation Administration criteria for proposed ground structures and their anticipated negative impacts to (i) aviation approaches to Runway 17; (ii) approaching aircraft resulting from EMF interference; (iii) the frequency of utilization of Kimble County Airport by aviators; and (iv) airport fuel sales and our local economy; and
8. Further, that in the unlikely event that the PUC and the LCRA TSC refuse to expand the current study area and adopt the above-referenced alternate route, the City Council of the City of Junction urges these entities, based upon scientific data provided by the CVA and public statements made by representatives of LCRA TSC relating to the approximate safe distances appropriate to reduce or minimize any potential harmful effects and health hazards associated

with high-voltage transmission lines, to adopt rules dictating that **any and all 345 kV transmission lines constructed through Kimble County maintain a minimum distance of at least 1,400 feet from the centerline of the proposed route or easement to any existing habitable structure and/or its surrounding buildings and structures.**

ACCORDINGLY on this 13th day of July 2009, in a meeting of the City Council of the City of Junction, duly convened and acting in its capacity as governing body at Junction, Texas this Resolution is hereby adopted.

Shannon R. Bynum, Mayor

Attest:

K. Vivian Saiz, City Secretary

HOUSE OF REPRESENTATIVES
JOE STRAUS
SPEAKER

September 22, 2009

Barry Smitherman, Chairman
Public Utility Commission of Texas
P.O. Box 13326
Austin, TX 78711-3326

Dear Chairman Smitherman:

Over the last several months, many concerned constituents have contacted me about the routing of the proposed CREZ transmission lines to be built by the Lower Colorado River Authority.

I understand that LCRA recently asked the Commission for a delay in filing, so as to more completely examine some options outside the original study area. I hope you and the other commissioners will give this request due consideration.

I do appreciate LCRA's willingness to take this opportunity to listen to landowners and the members who represent them. I know the routing process is never easy, but there appears to be some consensus in this case that the use of existing right of way and state highway right of way could be a workable path forward.

Thank you for your time and attention to this request and for your service to the State of Texas.

Sincerely,

Joe Straus
Speaker

cc: Lower Colorado River Authority

P.O. BOX 2910 • AUSTIN, TEXAS 78768-2910 • (512) 463-1000 • FAX (512) 463-0675

Texas Administrative Code

TITLE 43 TRANSPORTATION
PART 1 TEXAS DEPARTMENT OF TRANSPORTATION
CHAPTER 21 RIGHT OF WAY
SUBCHAPTER C UTILITY ACCOMMODATION

Rules

TITLE 43	TRANSPORTATION
PART 1	TEXAS DEPARTMENT OF TRANSPORTATION
CHAPTER 21	RIGHT OF WAY
SUBCHAPTER C	UTILITY ACCOMMODATION
RULE §21.31	**Definitions**

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

(1) AASHTO--American Association of State Highway and Transportation Officials.

(2) Abandoned utility--A utility facility that no longer carries a product or performs a function and for which the owner:

(A) does not plan to use in future operations; or

(B) is unknown or cannot be located.

(3) Access denial line--A line concurrent with the common property line across which access to the highway facility from the adjoining property is not permitted.

(4) As-Built plans--Drawings showing the actual locations of installed or relocated utilities.

(5) Border width--The area between the edge of pavement structure or back of curb to the right of way line.

(6) Bridge abutment joint--The joint between the approach slab and bridge structure.

(7) Center median--The area between opposite directions of travel on a divided highway.

(8) Certified as-installed construction plans--The construction plans for the installation of a utility, accompanied by an affidavit certifying that the facility was installed in accordance with the plans.

(9) Commission--The Texas Transportation Commission.

(10) Common carrier--As defined in the Natural Resources Code, §111.002.

(11) Conduit--A pipe or other opening, buried or above ground, for conveying fluids or gases, or serving as an envelope containing pipelines, cables, or other utilities.

(12) Controlled access highway--A highway so designated by the commission on which owners or occupants of abutting lands and other persons are denied access to or from the highway mainlanes.

(13) Department--The Texas Department of Transportation.

(14) Depth of cover--The minimum depth as measured from the top of the utility line to the ground line or top of pavement.

(15) Design vehicle load (HS-20)--A design load designation used for bridge design analysis representing a three-axle truck loaded with four tons on the front axle and 16 tons on each of the other two axles. The HS-20 designation is one of many established by AASHTO for use in the structural design and analysis of bridges.

(17) District--One of the 25 geographical districts into which the department is divided.

(18) District engineer--The chief administrative officer in charge of a district, or his or her designee.

(19) Duct--A pipe or other opening, buried or above ground, containing multiple conduits.

(20) Engineer--A person licensed to practice engineering in the state of Texas.

(21) Executive director--The chief administrative officer of the department.

(22) Freeway--A divided highway with frontage roads or full control of access.

(23) Frontage road--A street or road auxiliary to, and located alongside, a controlled access highway or freeway that separates local traffic from high-speed through traffic and provides service to abutting property.

(24) Gathering line--A line that delivers raw product from various sites to a central distribution or feed line for the purposes of refining, collecting, or storing the product, and is private in function and does not directly or indirectly serve the public.

(25) Hazardous material--Any gas, material, substance, or waste that, because of its quantity, concentration, or physical or chemical characteristics, is deemed by any federal, state, or local authority to pose a present or potential hazard to human health or safety or to the environment. The term includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, materials designated as hazardous in the Hazardous Materials Table (49 CFR §172.101), and materials that meet the defining criteria for hazard classes and divisions in 49 CFR Part 173 (49 CFR §171.8).

(26) High-pressure gas or liquid petroleum lines--Gas or liquid petroleum pipelines that are operated, or may reasonably be expected to operate in the future, at a pressure of over 60 pounds per square inch.

(27) Horizontal clearance--The areas of highway roadsides designed, constructed, and maintained to increase safety, improve traffic operation, and enhance the appearance of highways.

(28) Idled facility--A utility conduit or line which temporarily does not carry a product, or does not perform a function and whose owner has not provided a date for its return to operation.

(29) Inclement weather--Weather conditions that are hazardous to the safety of the traveling public, highway or utility workers, or the preservation of the highway.

(30) Joint use agreement--A use and occupancy agreement that describes the obligations, responsibilities, rights, and privileges vested in the department and retained by the utility, and used for situations in which the utility has a compensable interest in the land occupied by its facilities and the land is to be jointly occupied and used for highway and utility purposes.

(31) Low-pressure gas or liquid petroleum lines--Gas or liquid petroleum pipelines that are operated at a pressure not exceeding 60 pounds per square inch.

(32) Mainlanes--The traveled way of a freeway or controlled access highway that carries through traffic.

(33) Maintenance Division--The administrative office of the department responsible for the maintenance and operation of the state highway system.

(34) Noncontrolled access highway--A highway on which owners or occupants of abutting lands or other persons have direct access to or from the mainlanes by department permit.

(36) Pavement structure--The combination of the surface, base course, and subbase.

(37) Private utility--Any utility facility, its accessories, and appurtenances, including gathering lines devoted exclusively to private use.

(38) Public utility--A person, firm, corporation, river authority, municipality, or other political subdivision engaged in the business of transporting or distributing a utility product for public consumption.

(39) Ramp terminus--The entrance or exit portion of a controlled access highway ramp adjacent to the through traveled lanes.

(40) Right of Way Division (ROW)--The administrative office of the department responsible for the acquisition and management of the state right of way.

(41) Riprap--An appurtenance placed on the exposed surfaces of soils to prevent erosion, including a cast-in-place layer of concrete or stones placed together.

(42) Service line--A utility facility that conveys electricity, gas, water, or telecommunication services from a main or conduit located in the right of way to a meter or other measuring device that services a customer or to the outside wall of a structure, whichever is applicable and nearer the right of way.

(43) TMUTCD--The most recent edition of Texas Manual on Uniform Traffic Control Devices for Streets and Highways.

(44) Transmission line--That part of a utility system connecting a main energy or material source with a distribution system.

(45) Use and occupancy agreement--The written document, whether in the form of an agreement, acknowledgment, notice, or request, by which the department approves the use and occupancy of highway right of way by utility facilities.

(46) Utility--Any entity owning a public or private utility.

(47) Utility appurtenances--Any attachments or integral parts of a utility facility, including fire hydrants, valves, and gas regulators.

(48) Utility facilities--All lines, pipelines, conduits, cables, and their appurtenances within the highway right of way except those for highway-oriented needs, including underground, surface, or overhead facilities either singularly or in combination, which may be transmission, distribution, service, or gathering lines.

(49) Utility strip--The area of land established within a control of access highway, located longitudinally within the border width, where an assignment may be designated for a utility delineating the area of use, occupancy, and access.

(50) Utility structure--A pole, bridge, tower, or other aboveground structure on which a conduit, line, pipeline, or other utility facility is attached.

Source Note: The provisions of this §21.31 adopted to be effective March 17, 2005, 30 TexReg 1455; amended to be effective December 11, 2008, 33 TexReg 10064

Texas Administrative Code

TITLE 43	TRANSPORTATION
PART 1	TEXAS DEPARTMENT OF TRANSPORTATION
CHAPTER 21	RIGHT OF WAY
SUBCHAPTER C	UTILITY ACCOMMODATION
RULE §21.32	**Purpose**

This subchapter prescribes the minimum requirements for the accommodation, method, materials, and location for the installation, adjustment, and maintenance of public and private utilities within the right of way of the state highway system. These requirements are provided in the interests of the safety, protection, use, and future development of highways with due consideration given to the public service afforded by adequate and economical utility installations.

Source Note: The provisions of this §21.32 adopted to be effective March 17, 2005, 30 TexReg 1455

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CHAPTER 21	RIGHT OF WAY
SUBCHAPTER C	UTILITY ACCOMMODATION
RULE §21.33	**Applicability**

(a) For highways under department jurisdiction, the provisions of this subchapter concerning utility accommodation apply to:

(1) new utility installations;

(2) additions to or maintenance of existing utility installations;

(3) adjustments or relocations of utilities; and

(4) existing utility installations retained within the right of way.

(b) The provisions of this subchapter concerning utility accommodation do not apply to utilities located within the rights of way of completed highways for which agreements with the department were entered into before the effective date of this subchapter.

(c) This subchapter applies to utility lines not specifically mentioned in accordance with the nature of the line. All lines carrying caustic, flammable, or explosive materials shall conform to the provisions for high-pressure gas and liquid fuel lines.

(d) The district engineer or designee may prescribe special district requirements on a specific installation or adjustment based on the specific soil, terrain, climate, vegetation, traffic characteristics, type of utility line, or other factors unique to the area.

Source Note: The provisions of this §21.33 adopted to be effective March 17, 2005, 30 TexReg 1455

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TITLE 43	TRANSPORTATION
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CHAPTER 21	RIGHT OF WAY
SUBCHAPTER C	UTILITY ACCOMMODATION
RULE §21.34	**Scope**

This subchapter governs matters concerning accommodation, location, and methods for the installation, adjustment, relocation, and maintenance of utilities on state highway rights of way, but do not alter current authority for their installation nor determination of financial responsibilities for placement or adjustment. Any law, code, regulation, rule, or order that prescribes a higher degree of protection for highway facilities or the traveling public shall supersede this subchapter. District supplemental accommodation requirements shall be detailed where more than the minimums of this subchapter are required. If a utility contests such supplemental requirements, they may appeal to the district engineer. The district engineer's decision may be appealed to the Maintenance Division or Right of Way Division, as appropriate.

Source Note: The provisions of this §21.34 adopted to be effective March 17, 2005, 30 TexReg 1455

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SUBCHAPTER C	UTILITY ACCOMMODATION
RULE §21.35	**Exceptions**

(a) Exceptions to any provisions contained in these sections and relating to utility accommodation shall be justified and recommended for approval by the district engineer and authorized by:

(1) the Right of Way Division Director using the form entitled "Certification for Utility Accommodation" for all utilities occupying the right of way under a utility joint use agreement; or

(2) the Maintenance Division Director, when a use and occupancy agreement, other than a utility joint use agreement, is received for a proposed utility installation on an existing highway.

(b) Requests for exceptions will be considered only where the utility shows that extreme hardship or unusual conditions provide justification and where alternate measures can be prescribed in keeping with the intent of this subchapter. All requests for exceptions must be fully documented with design data and other pertinent information.

(c) For each request for exception the utility must clearly demonstrate that:

(1) the accommodation will not adversely affect the safety, design, construction, operation, maintenance, or stability of the highway;

(2) the accommodation will not be constructed or serviced by direct access from the mainlanes of a freeway or connecting ramps;

(3) the accommodation will not interfere with or impair the present use or future expansion of the highway; and

(4) any alternative location would be contrary to the public interest, demonstrated by an evaluation of the direct and indirect environmental and economic effects that would result from the disapproval of the proposed use of the right of way.

Source Note: The provisions of this §21.35 adopted to be effective March 17, 2005, 30 TexReg 1455; amended to be effective December 11, 2008, 33 TexReg 10064

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SUBCHAPTER C	UTILITY ACCOMMODATION
RULE §21.36	**Rights of Utilities**

(a) Under state law, certain utilities have a right to operate, construct, and maintain their lines over, under, across, on, or along highways, subject to highway purposes. This includes utilities authorized by law to transport or distribute natural gas, water, electric power, telephone, cable television, or salt water and those that are authorized to construct and operate common carrier petroleum and petroleum product lines.

(b) Private lines may cross, but are not permitted longitudinally on highway rights of way. This includes privately-owned lines from gas or oil wells, lines owned by oil companies within refinery and oil storage complexes or by firms engaged in businesses other than those described in subsection (a) of this section, private purpose lines of an entity described in subsection (a) of this section, and service lines owned by individuals.

Source Note: The provisions of this §21.36 adopted to be effective March 17, 2005, 30 TexReg 1455

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RULE §21.37	**Design**

(a) General. The design of any utility installation, adjustment, or relocation is the responsibility of the utility. Utility design will be accomplished in a manner and to a standard acceptable to the department. The location and manner in which a utility installation, adjustment, or relocation work will be performed within the right of way must be reviewed and approved by the department. The department will review the measures to be taken to preserve the safety and free flow of traffic, structural integrity of the highway or highway structure, ease of highway maintenance, appearance of the highway, and the integrity of the utility facility. Utility installations shall conform with:

(1) the requirements of this subchapter;

(2) the National Electrical Safety Code rules for the installation and maintenance of electric supply and communication lines;

(3) 23 CFR Part 645B, Accommodation of Utilities;

(4) 49 CFR Part 192, Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards;

(5) 49 CFR Part 195, Transportation of Hazardous Liquids by Pipeline;

(6) the latest American Society for Testing and Materials (ASTM) specifications;

(7) the latest edition of the Texas Manual on Uniform Traffic Control Devices;

(8) 30 TAC §§290.38 - 290.47, relating to Rules and Regulations for Public Water Systems; and

(9) applicable state and federal environmental regulations, including storm water pollution prevention, endangered species, and wetlands.

(b) Location.

(1) Utility lines shall be located to avoid or minimize the need for adjustment for future highway projects and improvements, to allow other utilities equal access in the right of way, and to permit access to utility facilities for their maintenance with minimum interference to highway traffic.

(2) Longitudinal installations, if allowed, shall be located on uniform alignments to the right of way line to provide space for future highway construction and possible future utility installations.

(3) New utility lines crossing the highway shall be installed at approximately 90 degrees to the centerline of the highway.

(4) The horizontal and vertical location of utility lines shall conform with §21.41(c) of this subchapter, consistent with the clearances applicable to all roadside obstacles. No aboveground fixed objects will be allowed in the horizontal clearance.

(5) The utility is responsible for determining whether other utility lines exist at, or if plans have been submitted to

installation is compatible with existing and approved future utilities.

(6) Utilities on controlled access highways or freeways shall be located to permit maintenance of the utility by access from frontage roads, nearby or adjacent roads and streets, or trails along or near the right of way line without access from the mainlanes or ramps. Utilities shall not be located longitudinally in the center median or outer separation of controlled access highways or freeways.

(7) On highways with frontage roads, longitudinal utility installations may be located between the frontage road and the right of way line. Utility lines shall not be placed or allowed to remain in the center median, outer separation, or beneath any pavement, including shoulders.

(8) When a longitudinal installation is proposed within existing access denial lines of a controlled access highway or freeway without frontage roads and meets the conditions of §21.35 of this subchapter, the department may establish a utility strip, specific to the requesting utility, designating the area of use, occupancy, and access. All existing and proposed fences shall be located at the freeway right of way line. Denial of access regarding property adjoining the right of way line will not be altered.

(c) Plans. Utilities shall be responsible and accountable for protecting the public investment in the highway, inclusive of all its components, and to maintain traffic capacity and safety for each highway user.

(1) All utility installations shall be of durable materials designed for long life expectancy and relatively free from the need for routine servicing or maintenance. In addition to the requirements of this subchapter, any existing utility lines to remain in place must be of satisfactory design and condition in the opinion of the district.

(2) Utilities shall avoid disturbing existing drainage courses. In addition, soil erosion shall be held to a minimum and sediment from the construction site shall be kept away from the highway and drain inlets.

(3) Utility expansions shall be planned to minimize hazards to, and interference with, future highway projects or other utility installations.

(4) Plans shall include the design, proposed location, vertical elevations, and horizontal alignments of the utility facility based on the department's survey datum, the relationship to existing highway facilities and the right of way line, and location of existing utilities that may be affected by the proposed utility facility.

(5) As-built plans or certified as-installed construction plans shall include the installed location, vertical elevations, and horizontal alignments of the utility facility based upon the department's survey datum, the relationship to existing highway facilities and the right of way line, and access procedures for maintenance of the utility facility. As-installed construction plans certified by a utility or its representative shall be submitted to the department for each relocation or new installation. In the alternative, if approved by the director of the Maintenance Division or Right of Way Division, a district may require a utility to deliver either as-installed construction plans that are certified by an independent party or final as-built plans that are signed and sealed by an engineer or registered professional land surveyor. In determining whether to authorize a requirement for independently certified or signed and sealed plans, the director shall consider:

(A) the amount of available right of way or the proposed utility facility's proximity to department facilities and other utility facilities that may be impacted; and

(B) past performance of the utility in providing accurate location data and conformance with its certified as-installed construction plans.

(6) If approved by the director of the Maintenance Division or the Right of Way Division, a district may require a utility to deliver plans that are signed and sealed by an engineer. In determining whether to authorize a requirement for signed and sealed plans, the director shall consider:

utility facilities that may be impacted;

(B) the complexity of required traffic control plans;

(C) whether the installation or adjustment activity requires a storm water pollution prevention plan; and

(D) the utility's past performance in providing accurate location data and conformance with its construction plans.

(d) Tunnels and bridges.

(1) Interstate highways. In providing a utility tunnel or utility bridge, the requirements in subparagraphs (A) - (I) apply.

(A) Mutually hazardous transmittants, such as fuels and electric energy, shall be isolated by compartmentalizing or by auxiliary encasement of incompatible carriers.

(B) The utility tunnel or utility bridge structure shall conform in design, appearance, location, bury, earthwork, and markings to the culvert and bridge practices of the department.

(C) Where a pipeline on or in a utility structure is encased, the casing shall be effectively opened or vented at each end to prevent possible build up of pressure and to detect leakage of gases or fluids.

(D) Where a casing is not provided for a pipeline on or in a utility structure, additional protective measures shall be taken, such as employing a higher factor of safety in the design, construction, and testing of the pipeline than would be required for cased construction.

(E) Communication and electric power lines shall be insulated, grounded, and carried in protective conduit or pipe from the point of exit from the ground to reentry, and the cable carried to a manhole located beyond the backwall of the structure.

(F) Carrier and casing pipe for gas, liquid petroleum, hazardous product, and water lines shall be insulated from electric power line attachments.

(G) Sectionalized block valves shall be installed in lines at or near ends of utility structures, pursuant to 49 CFR §192.179, Transmission Line Valves, unless segments of the lines can be isolated by other sectionalizing devices within a distance acceptable to the department.

(H) Any maintenance, servicing, or repair of the utility lines will be the responsibility of the utility.

(I) The utility shall notify the district 48 hours in advance of any maintenance, servicing, or repair; however, in an emergency situation, the utility shall notify the district as soon as practicable.

(2) Non-interstate highways. If a utility's line exists on its own easement and it would be more economical to the department to adjust the line across a highway by use of a utility tunnel or bridge rather than to provide separately trenched and cased crossing, consideration should be given to provision of such a structure. Where the utility line was placed through an approved use and occupancy agreement and the adjustment of the utility is the sole responsibility of the utility owner, the department may allow for the provision of a utility structure without cost to the department, provided the conditions outlined in subsection (a) of this section and all other pertinent requirements are met. If a structure is to serve as a joint utility/pedestrian crossing or a joint utility/sign support structure, the department will participate to the extent necessary for accommodation of pedestrians or highway signs only.

(e) Joint use of utility and highway structures.

(1) The attachment of utility lines to bridges and grade separation structures is prohibited if other locations are feasible and reasonable.

(2) Where other arrangements for a utility line to span an obstruction are not feasible, the utility may submit a request to the district for attachment of the line to a bridge structure through a bridge attachment agreement. Each attachment will be considered on an individual basis, and permission to attach will not be considered as establishing a precedent for granting of subsequent requests for attachment.

(A) When it is impractical to carry a self-supporting communication line across a stream or other obstruction, the department may permit the attachment of the line to its bridge. If approved on existing bridges, the line must be enclosed in a conduit and so located on the structure as not to interfere with stream flow, traffic, or routine maintenance operations. When a request is made before construction of a bridge, if approved, suitable conduits may be provided in the structure if the utility bears the cost of all additional work and materials involved.

(B) If it is the department's responsibility to provide for the adjustment of telephone lines or telephone conduits to accommodate the construction of a highway and the adjustment provides for the placement of telephone conduits in a bridge, the department will allow a reasonable number of spare telephone conduits in the structure if the spares are placed at the time of construction and the telephone company bears the cost of the spare conduits.

(C) A utility shall not attach gas or liquid fuel lines to a bridge without the written approval of the executive director.

(D) Power lines carrying greater than 600 volts shall not be permitted on bridges.

(E) When a utility is granted permission to attach a pipeline to a proposed bridge prior to construction, any additional costs associated with the design or construction to accommodate the pipeline are the responsibility of the utility.

(F) A utility requesting permission to attach a pipeline to an existing bridge shall submit sufficient information to allow the department to conduct a stress analysis to determine the effect of the added load on the structure. The department may require other details of the proposed attachment as they affect safety and maintenance.

(f) Aesthetics. A utility will notify the department before removing, trimming, or replacing trees, bushes, shrubbery, or any other aesthetic features. The department must approve the extent and method of removal, trimming, or replacement of trees, bushes, shrubbery, or any other aesthetic feature.

Source Note: The provisions of this §21.37 adopted to be effective March 17, 2005, 30 TexReg 1455; amended to be effective December 11, 2008, 33 TexReg 10064

TITLE 43	TRANSPORTATION
PART 1	TEXAS DEPARTMENT OF TRANSPORTATION
CHAPTER 21	RIGHT OF WAY
SUBCHAPTER C	UTILITY ACCOMMODATION
RULE §21.38	**Construction and Maintenance**

(a) General.

(1) The provisions of this section apply to all utility types, unless otherwise specified in §21.40 and §21.41 of this subchapter.

(2) Utilities with facilities on the right of way shall be responsible and accountable to maintain and protect the safety of the traveling public and the public's investment in the highway facility.

(3) When an existing approved utility requires maintenance, the utility shall notify the district 48 hours before the start of any work. In an emergency situation, the utility shall notify the district as soon as possible.

(4) The utility shall not cut into the pavement or concrete riprap without written permission from the department.

(5) Utilities shall reimburse the department for the cost of measures taken in the interest of public safety, restoration, clean-up, and repairs to the highway and right of way made necessary by the utility's failure to comply with the provisions of this subchapter.

(b) Vegetation and site clean-up.

(1) When utility installation is complete, the utility shall return the right of way to a condition, at a minimum, equal to its original condition, including reseeding or resodding to prevent erosion. After the area is brought to grade, the entire disturbed area shall be covered in accordance with the department's Standard Specifications for Construction and Maintenance of Highways Streets & Bridges.

(2) To preserve and protect trees, bushes, and other aesthetic features on the right of way, the department may specify the extent and methods of tree, bush, shrubbery, or any other aesthetic feature's removal, trimming, or replacement, in conjunction with paragraph (1) of this subsection. The district engineer shall use due consideration in establishing the value of trees and other aesthetic features in the proximity of a proposed utility line and any special district requirements justified by the value of the trees and other aesthetic features.

(3) If settlement or erosion occurs due to the actions of the utility, the utility shall, at its expense, reshape, reseed, or resod the area as directed by the department. Reseeding, resodding, or repair under this section shall be completed within a reasonable period of time acceptable to the department.

(4) Pruning of trees shall comply with the department's Roadside Vegetation Management Manual. When unapproved pruning or cutting occurs, the utility shall be responsible for the replacement of trees or for damages to existing trees and bushes.

(5) Highways adjacent to utility construction sites shall be kept free from debris, construction material, and mud. At the end of every construction day, construction equipment and materials shall be removed from the horizontal clearance, placed as far from the pavement edge as possible, and properly protected.

(6) The utility shall reimburse the department for all costs incurred to repair damage from the actions of the utility. These costs may include restoration of and repairs to roads, drives, terrain, landscaping, or fences.

(1) The utility shall be responsible for the safety of, and shall minimize disruption to, the traveling public with proper traffic control.

(2) Appropriate measures shall be taken in the interests of safety, traffic convenience, and access to adjacent property that meet the requirements of the department's Compliant Work Zone Traffic Control Device List. The utility shall place appropriate signs, markings, and barricades before beginning work and shall maintain them to warn motorists and pedestrians properly. All traffic control devices shall conform to the TMUTCD and the National Cooperative Highway Research Project Report 350.

(3) All utility pits opened within the horizontal clearance shall be properly protected, in compliance with National Cooperative Highway Research Project Report 350, with concrete traffic barriers, metal beam guard fencing, appropriate end treatments, or other appropriate warning devices.

(d) Work restrictions.

(1) The department reserves the right to halt construction or maintenance during hazardous situations, such as inclement weather, peak traffic hours, special events, or holidays, or for non-compliance with a use and occupancy agreement. Requests for emergency maintenance shall be directed to the appropriate district office.

(2) If the department determines that the facility was not installed in the location shown on the approved construction plans, the department may require the utility to take appropriate corrective action as determined by the department.

Source Note: The provisions of this §21.38 adopted to be effective March 17, 2005, 30 TexReg 1455; amended to be effective December 11, 2008, 33 TexReg 10064

Texas Administrative Code

TITLE 43	TRANSPORTATION
PART 1	TEXAS DEPARTMENT OF TRANSPORTATION
CHAPTER 21	RIGHT OF WAY
SUBCHAPTER C	UTILITY ACCOMMODATION
RULE §21.39	**Ownership, Function, Abandonment, and Idling of Facilities**

(a) Change of ownership. If a utility sells, assigns, or conveys its facility to another company, the new owner must, within a reasonable period of time, notify the department of the sale in writing and:

(1) provide the name, address, and phone number of the new owner and a person to be contacted on matters concerning the utility facility;

(2) acknowledge whether the new owner is a public utility, common carrier, or other entity authorized by state law to operate, construct, and maintain its lines over, under, across, on, or along state highways as specified in §21.36(a) of this subchapter; and

(3) update all call signs and markers.

(b) Change of function. If a utility wishes to materially change the character, use, or function of an approved utility facility and that new character, use, or function would result in the application of more stringent requirements under the provisions of this subchapter than are applicable to the approved facility, the utility must submit to the department a written request for a new use and occupancy agreement and otherwise comply with the requirements contained in this subchapter concerning utility accommodation.

(c) Abandonment or idling of facility.

(1) Notice. If a utility abandons or idles a utility facility, it must, within a reasonable period of time, notify the department of that status in writing and in the case of abandonment, indicate whether the facility will be removed or abandoned in place.

(2) Abandonment in place.

(A) A utility that wishes to abandon a utility facility in place must submit a written request to the district engineer for each type of facility. The request must include the following detailed information for each facility proposed for abandonment:

(i) offsets from property lines and the centerline of the highway;

(ii) coordinates based on the global positioning system (GPS) or a survey datum as directed by the department;

(iii) the age, condition, material type, current status, quantity, and size of the facility;

(iv) a legend explaining symbols, characters, abbreviations, scale, and other data shown on any as-built drawing or record mapping;

(v) a statement certifying that the facility does not contain, or is not composed of, hazardous or contaminated materials; and

(vi) any additional information requested by the department.

locate, and mark its abandoned facilities as required by this subchapter, federal regulations, or standards adopted by industry organizations, whichever is more restrictive.

(C) Abandonment shall not be construed as a change in ownership of the facility.

(3) Abandonment costs and restoration of public right of way. The utility shall be responsible for all costs associated with the maintenance or removal of its abandoned or idled lines within the right of way, unless removal of the line is caused by an active highway project and adjustment is the financial responsibility of the department.

(4) Voids. Significant voids beneath the right of way are prohibited. The department, at the discretion of the district engineer, may require that a facility be filled with cement slurry or backfilled in accordance with department standards.

(5) High and low pressure gas pipeline abandonment. Each owner/operator shall conduct abandonment or deactivation of gas pipelines within the right of way in compliance with the requirements of this section, current federal, state, or local laws or codes, or industry standards, whichever are more stringent. If the line is approved for abandonment in place, the utility shall:

(A) purge, cut, and cap or plug the ends of all facilities at the right of way lines;

(B) submit to the department a written certification that the abandonment conforms with all requirements of this section, current federal, state, or local laws or codes, or industry standards, whichever are more stringent;

(C) slurry-fill the facility, if the department determines it is needed due to the age, condition, material type, quantity, and size of the facility; and

(D) disconnect each pipeline from all sources and supplies of gas, purge each pipeline of gas and, in the case of submerged pipelines, fill each pipeline with water or other approved materials, and seal it at the ends.

(6) Abandoned gas service lines. For each gas service line approved for abandonment in place, the utility shall:

(A) provide a locking device or other means designed to prevent opening on each valve that is closed, to prevent the flow of gas to the customer;

(B) install in the service line or in the meter assembly a mechanical device or fitting that will prevent the flow of gas;

(C) physically disconnect the customer's piping from the gas supply and seal the open pipe ends;

(D) insure that a combustible mixture is not present after purging; and

(E) fill each abandoned vault with a suitable compacted material.

(7) Record keeping for abandoned facilities. A record of underground utility facilities abandoned in the right of way shall be maintained in a utility's permanent files until the facility is completely removed from the ground, and shall be provided to the department promptly upon request. This record must include:

(A) offsets from property lines and the centerline of the right of way;

(B) coordinates derived from the global positioning system being used by the department or a survey datum as directed by the department;

(C) the type, quantity, and size of the equipment;

(D) a legend explaining symbols, characters, abbreviations, scale, and other data shown on map;

(F) any additional information requested by the department.

Source Note: The provisions of this §21.39 adopted to be effective March 17, 2005, 30 TexReg 1455; amended to be effective December 11, 2008, 33 TexReg 10064

TITLE 43	TRANSPORTATION
PART 1	TEXAS DEPARTMENT OF TRANSPORTATION
CHAPTER 21	RIGHT OF WAY
SUBCHAPTER C	UTILITY ACCOMMODATION
RULE §21.40	**Underground Utilities**

(a) General.

(1) Encasement.

(A) Underground utilities crossing the highway shall be encased in the interest of safety, protection of the utility, protection of the highway, and for access to the utility. Casing shall consist of a pipe or other separate structure around and outside the carrier line. The utility must demonstrate that the casing will be adequate for the expected loads and stresses.

(B) Casing pipe shall be steel, concrete, or plastic pipe as approved by the district, except that if horizontal directional drilling is used to place the casing, high-density polyethylene (HDPE) pipe must be used in place of plastic pipe.

(C) Encasement may be of metallic or non-metallic material. Encasement material shall be designed to support the load of the highway and superimposed loads thereon, including that of construction machinery. The strength of the encasement material shall equal or exceed structural requirements for drainage culverts and it shall be composed of material of satisfactory durability for conditions to which it may be subjected. The length of any encasement under the roadway shall be provided from top of backslope to top of backslope for cut sections, five feet beyond the toe of slope for fill sections, and five feet beyond the face of the curb for curb sections. These lengths of encasement include areas under center medians and outer separations, unless otherwise specifically addressed in subsections (b) - (f) of this section.

(D) The department will provide an example graphic upon request of a typical section showing encasement lengths.

(2) Depth. Where placements at the depths in this section are impractical or where unusual conditions exist, the department may allow installations at a lesser depth, but will require other means of protection, including encasement or the placement of a reinforced concrete slab. Reinforced concrete slabs or caps shall meet the following standards:

(A) width--five feet, or three times the diameter of the pipe, whichever is greater;

(B) thickness--six inches, at minimum;

(C) reinforcement--#4 bars at 12 inch centers each way or equivalent reinforcement; and

(D) cover--no less than six inches of sand or equivalent cushion between the bottom of the slab/cap and the top of the pipe.

(3) Manholes.

(A) Manholes shall not be installed unless necessary for installation and maintenance of underground lines. In no case shall a manhole be placed or permitted to remain in the pavement or shoulder of a highway. However, on noncontrolled access highways in urban areas, the district may, in its discretion, allow existing lines to remain in place under existing or proposed highways. In these cases, manholes may remain in place or be installed under traffic lanes of low volume highways in municipalities only if measures are taken to minimize the installations and to avoid

(B) To conserve space, a manhole's dimensions shall be the minimum acceptable by appropriate engineering and safety standards. The only equipment that may be installed in manholes located on the right of way is that essential to the normal flow of the utility, such as circuit reclosers, cable splices, relays, valves, and regulators. Other equipment, such as substation equipment, large transformers, and pumps, shall be located outside the right of way.

(C) Inline manholes are the only type permitted within the right of way. The width dimensions shall be no larger than necessary to hold equipment involved and to meet safety standards for maintenance personnel. Outside width, the dimension of the manhole perpendicular to the highway, shall not exceed ten feet, with the length to be held to a reasonable minimum. The outside diameter of the manhole chimney at the ground level shall not exceed 36 inches, except that if the utility demonstrates necessity, the district may, at its discretion, allow an outside diameter of up to 50 inches. The top of the roof of the manhole shall be five feet or more below ground level.

(D) All manhole covers shall be installed flush with the ground or pavement structure. In order to minimize vandalism, manhole covers must weigh at least 175 pounds. Manhole rings and covers must be designed for HS-20 loading.

(E) Manholes shall be straight, inline installations with a minimum overall width necessary to operate and maintain the enclosed equipment. The utility is responsible for any adjustment of the manhole rim that may be needed to meet grade changes.

(4) Installation.

(A) Lines placed beneath any existing highway shall be installed by boring or tunneling. Jacking may not be used unless approved in writing by the district. The district may require encasement of lines installed by boring or jacking. The use of explosives is prohibited. Pipe bursting or fluid/mist jetting may be allowed at the discretion of the department.

(B) For rural, uncurbed highway crossings, all borings shall extend beneath all travel lanes. Unless precluded by right of way limitations, the following clearances are required for rural highway crossings:

(i) 30 feet from all freeway mainlanes and other high-speed (exceeding 40 mph) highways except as indicated in clauses (ii) - (iv) of this subparagraph;

(ii) 16 feet for high-speed highways with current average daily traffic volumes of 750 vehicles per day or fewer;

(iii) 16 feet for ramps; or

(iv) ten feet for low-speed (40 mph or less) highways.

(C) Annular voids greater than one inch between the bore hole and carrier line (or casing, if used) shall be filled with a slurry grout or other flowable fill acceptable to the department to prevent settlement of any part of the highway facility over the line or casing.

(D) For curbed highway crossings, all borings shall extend beneath travel and parking lanes and extend beyond the back of curb, plus:

(i) 30 feet from facilities with speed limits of 40 mph or greater; or

(ii) five feet from facilities with speed limits of less than 40 mph or less, plus any additional width necessary to clear an existing sidewalk.

(E) Where circumstances necessitate the excavation of a bore pit or the presence of directional boring equipment closer to the edge of pavement than set forth in paragraphs (2) or (3) of this subsection, approved protective devices

located and constructed in such a manner as not to interfere with the highway structure or traffic operations. If necessary, shoring shall be utilized for the protection of the highway, and must be approved by the district.

(F) All traffic control devices, including signs, markings, or barricades used to warn motorists and pedestrians of the construction activity must conform to the TMUTCD.

(G) When trenching longitudinally, backfill or stabilized sand shall be compacted to densities equal to that of the surrounding soil.

(5) Nonmetallic pipe detection. Where nonmetallic pipe is installed, whether longitudinally or at a crossing, a durable metal wire or other district-approved means of detection shall be concurrently installed.

(6) Unsuitable conditions. The following conditions are generally unsuitable or undesirable for pipeline crossings and shall be avoided:

(A) deep cuts;

(B) locations near footings or bridges and retaining walls;

(C) crossing intersections at-grade or ramp terminals;

(D) locations at cross-drains where the flow of water may be obstructed;

(E) locations within basins or underpasses drained by pump if the pipeline carries a liquid or liquefied gas; or

(F) terrain where minimum depth of cover would be difficult to attain.

(7) Clearances. Except as specified in this subchapter, there shall be a minimum of 12 inches vertical and horizontal clearance between a pipeline and an existing utility, unless a greater clearance is required by the district. However, if an installation of another utility or highway feature cannot take place without disturbing an existing utility, the minimum clearance will be 24 inches.

(8) Crossings. A district may require crossings with no longitudinal connections to be encased within the right of way.

(9) Drainage easements. Where it is necessary for pipelines to cross department drainage easements outside of the right of way, the depth of cover shall be as specified for each type of utility. In cases where soil conditions are such that erosion might occur, or where it is not feasible to obtain specified depth, it shall be the responsibility of the utility to install retards, energy dissipators, encasement, or concrete or equivalent slabs/caps over the pipe, as approved by the department. Where grades on the pipelines must be maintained, such as gravity flow sewer lines, each case will be reviewed on an individual basis, keeping in mind that the main purpose of the channel is to carry drainage water and that this flow must not be obstructed. The utility owner is responsible for obtaining any other approvals to occupy the drainage easement.

(10) Existing installations in a highway or transportation project. At the district's discretion, existing longitudinal lines in a highway or transportation project that otherwise meet the requirements of this subchapter may remain in place if the lines:

(A) can be maintained in accordance with §21.37(b)(2) of this subchapter; and

(B) are not located under the pavement structure or shoulder of any proposed or existing highway.

(11) Markers. If a high pressure gas or liquid petroleum line crosses a highway, the utility shall place a readily identifiable, durable, and weatherproof marker over the centerline of the pipe at each right of way line. Readily identifiable, durable, and weatherproof markers shall be placed at a minimum distance of 500 feet or line of sight at

address, emergency telephone number of the owner/operator, and offset from the right of way line. For gas or petroleum pipelines, the pipeline product, operating pressure, and depth of pipe below grade shall also be indicated on the markers. At locations where underground utilities have been allowed to cross at an angle other than 90 degrees to centerline, the district may require additional markers in the medians and outer separations of the highway.

(12) Backfilling. Underground utility installations shall be backfilled with pervious material and outlets for underdrainage.

(13) Underdrainage. Underdrains shall be provided where necessary. No puddling beneath the highway will be permitted.

(b) Gas and liquid petroleum lines.

(1) Low-pressure lines.

(A) Depth of cover for crossings. Depth of cover is the depth to the top of the carrier pipe or casing, as applicable. Where materials and other conditions justify, such as on existing lines remaining in place, the district may require a minimum depth of cover under the pavement structure of 12 inches or one-half the diameter of the pipe, whichever is greater.

(i) For encased low-pressure gas lines, the minimum depth of cover shall be:

(I) 18 inches or one-half the diameter of the pipe, whichever is greater, under pavement structure;

(II) 24 inches outside pavement structure and under ditches (original unsilted flowline); or

(III) 30 inches for unencased sections of encased lines outside of pavement structure.

(ii) For unencased low-pressure gas lines, the minimum depth of cover shall be:

(I) 60 inches under the pavement surface or 18 inches under the pavement structure for paved areas;

(II) 48 inches outside paved areas and under ditches (original unsilted flowline); or

(III) a lesser depth if authorized by the district where a reinforced concrete slab is used to protect the pipeline.

(B) Depth of cover for longitudinal placement. The minimum depth of cover for longitudinal installations shall be 36 inches.

(C) Encasement. Low-pressure gas lines crossing the pavement shall be placed in a steel encasement. The district may waive this encasement requirement if the line is of welded steel construction and is protected from corrosion by cathodic protective measures or cold tar epoxy wrapping, and the utility signs a written agreement that the pavement will not be cut for pipeline repairs at any time in the future.

(D) Vents. One or more vents shall be provided for each casing or series of casings. For casings longer than 150 feet, vents shall be provided at both ends. On shorter casings, a vent shall be located at the high end with a marker placed at the low end. Vents shall be placed at the right of way line immediately above the pipeline, situated so as not to interfere with highway maintenance or be concealed by vegetation, and shall be no greater than six inches in diameter. The owner's name, address, and emergency telephone number shall be shown on each vent.

(E) Plastic lines. Plastic lines shall be encased within the right of way on crossings, and must have at least 30 inches of cover.

(F) Aboveground appurtenances. Except for vents, no above ground utility appurtenances for gas lines shall be permitted within the right of way.