

RAILROAD COMMISSION OF TEXAS
 DAMAGE PREVENTION DOCKET NO. 035076: ENFORCEMENT ACTION AGAINST
 FORT BEND COUNTY ROAD & BRIDGE FOR VIOLATION OF UNDERGROUND
 PIPELINE DAMAGE PREVENTION COMMISSION RULE 16 TAC §18.11(b) AT 32110
 ROLLING WOODS TRAIL (FULBROOK ROAD), FULSHEAR / FULBROOK
 SUBDIVISION, FORT BEND COUNTY, TEXAS

STIPULATION, AGREED SETTLEMENT AND CONSENT ORDER

On this day the above-entitled and numbered docket came on for consideration by the Railroad Commission of Texas ("Commission"). The Pipeline Safety Division of the Commission, and FORT BEND COUNTY ROAD & BRIDGE, through their representatives, have agreed to an informal disposition of the matters under this docket through this Consent Order ("Order"), subject to the approval of the Commission. The Commission has authority to informally dispose of this case through a consent order pursuant to TEX. GOV'T CODE ANN. § 2001.056 (1-3).

IN SETTLEMENT OF THIS DOCKET, the Commission and FORT BEND COUNTY ROAD & BRIDGE do hereby agree and stipulate as follows:

1. FORT BEND COUNTY ROAD & BRIDGE is a person engaged in or preparing to engage in the movement of earth in the vicinity of an intrastate underground pipeline containing flammable, toxic, or corrosive gas, a hazardous liquid, or carbon dioxide, as implemented under Title 16, §18.1(a) of the Texas Administrative Code.
2. FORT BEND COUNTY ROAD & BRIDGE is a "person" as that term is defined by Title 16, §18.2(16) of the Texas Administrative Code.
3. The Commission and FORT BEND COUNTY ROAD & BRIDGE agree that the alleged violation, as set forth in Damage Prevention Docket No. 035076, regarding 16 TAC §18.11(b) on July 15, 2014, at 32110 Rolling Woods Trail (Fulbrook Road), Fulshear / Fulbrook Subdivision, FORT BEND County, Texas, is hereby settled and compromised under the terms of this Order.
4. The alleged violation by FORT BEND COUNTY ROAD & BRIDGE constitutes an alleged violation of a safety standard or rule relating to the prevention of damage to facilities containing flammable, toxic, or corrosive gas, a hazardous liquid, or carbon dioxide.
5. Neither this Order, nor any written or oral offer of settlement related thereto, nor any statement contained therein shall constitute evidence or an admission or adjudication of:
 (A) any fact or conclusion of law alleged in or relating to Damage Prevention Docket No. 035076;
 (B) any violation of any statute, rule or regulation or other wrongdoing or misconduct on the part of FORT BEND COUNTY ROAD & BRIDGE or any director, officer, agent, employee, contractor or affiliate thereof.
6. The Commission and FORT BEND COUNTY ROAD & BRIDGE wish to further the goal of safe operations of earth movement activities near pipelines containing flammable, toxic or corrosive gas, hazardous liquids, or carbon dioxide, within the State of Texas.
7. The Commission has considered any history of previous violations by FORT BEND COUNTY ROAD & BRIDGE, the seriousness of any alleged violation, and any hazard to the health or safety

of the public, and has determined that the facts of this case warrant an informal disposition of the Commission's concerns under the terms of this Order.

8. FORT BEND COUNTY ROAD & BRIDGE has elected not to avail itself of the opportunity for public hearing.
9. The Commission has jurisdiction to assess an administrative penalty against FORT BEND COUNTY ROAD & BRIDGE, pursuant to Sections 121.206 and 121.207 of the Texas Utilities Code.
10. An administrative penalty in the amount of ONE THOUSAND DOLLARS (\$1,000.00) shall be recovered by the Commission for the alleged violation asserted against FORT BEND COUNTY ROAD & BRIDGE.
11. Respondent has placed, in the possession of the Commission, funds in the amount of ONE THOUSAND DOLLARS (\$1,000.00), for deposit in the General Revenue Fund, as payment of administrative penalty assessed in Damage Prevention Docket No. 035076.
12. The person signing hereunder for FORT BEND COUNTY ROAD & BRIDGE has authority to represent FORT BEND COUNTY ROAD & BRIDGE in this matter.

Jurisdiction of this docket having been established and an agreement of the parties having been reached, it is, therefore, ORDERED by the Railroad Commission of Texas that FORT BEND COUNTY ROAD & BRIDGE be assessed an administrative penalty in the amount of ONE THOUSAND DOLLARS (\$1,000.00), and that Damage Prevention Docket No. 035076 be informally disposed of by the Consent Order and closed. All relief not granted in this Order is DENIED.

RAILROAD COMMISSION OF TEXAS

(Order approved and signature affixed by Master

Agreed Order dated _____)

APPROVED AS TO FORM AND SUBSTANCE:

FORT BEND COUNTY



Signature January 13, 2015

By: Robert Hebert

Please print your name

Title: County Judge

Please print your title

RAILROAD COMMISSION OF TEXAS

PIPELINE SAFETY DIVISION DAMAGE PREVENTION SECTION

Penalty Calculation Worksheet for Docket No. 035076

Rule Cited	Rule Description	Suggested Penalty	Amount
18.11(b)	The Excavator did not notify the operator of the damage through the notification center immediately but not later than two hours following the damage incident.	\$2,000.00	\$ 2,000.00
	Subtotal of Penalty Amount		\$ 2,000.00
	Reduction for settlement before hearing:	50%	\$ 1,000.00
	Subtotal (Penalty Amount minus Settlement Reduction):		\$ 1,000.00
	Penalty Enhancement Amount:		\$ 0.00
	Subtotal (Penalty Amount - Settlement Reduction + Enhancement Amt):		\$ 1,000.00
	Reduction for demonstrated good faith of person charged:		\$ 0.00
	Total Penalty:		\$ 1,000.00

Manner of Compliance:

NOT REQUIRED