



**PUBLIC WORKS DEPARTMENT**

\*\*\*\*\*

**PERMIT FOR INSTALLATION ON COUNTY RIGHTS-OF-WAY:  
PIPELINE AND UTILITY CROSSING AGREEMENT**

County Permit No. \_\_\_\_\_

**APPLICATION**

Applicant (Grantee): \_\_\_\_\_

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

**Proposed Pipeline** shall be \_\_\_\_\_ inches in diameter; shall be made of \_\_\_\_\_ (PVC, steel, cast, iron); and shall be used for transmission of \_\_\_\_\_ (water, sewer, oil, natural gas), or

**Proposed Utility** shall be \_\_\_\_\_ inches in diameter; shall be made of \_\_\_\_\_ (copper, fiber optic, aluminum, steel, phosphor bronze, etc.); and shall be used for transmission of \_\_\_\_\_ (telephone, electric, etc.).

**Proposed Location** is in Ector County, Precinct No. \_\_\_\_\_ on \_\_\_\_\_ (name of County Road). The construction of said pipeline shall be:

**Cutting/Trenching**  **Boring**  **Plowing**  (check one).

A sketch showing location and description of the proposed pipeline is attached to this form, and presented as Exhibit C.

**Proposed Timeline** of construction of the pipeline within the right-of-way will begin on or after the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and will be completed on or before the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. (Maximum length of permit: Three (3) weeks, unless specifically extended by action of the Ector County Commissioners' Court).

Work to be performed by contractor? **Yes**  **No** . If Yes, give name, \_\_\_\_\_

**KNOW ALL MEN BY THESE PRESENTS**

THE STATE OF TEXAS     §  
  §  
COUNTY OF ECTOR       §

That the County of Ector, hereinafter called Grantor, and \_\_\_\_\_, hereinafter called Grantee, in consideration of the covenants and conditions stated herein, do hereby agree to the following terms, conditions, and provisions:

1. **Permit Application:** No pipeline shall be installed, constructed, rebuilt, relocated, enlarged or otherwise modified within the right-of-way of any Ector County road without a duly executed permit from Ector County. Application for permits shall be submitted to the Ector County Public Works Department, Project Management Office; and shall be submitted by the owner of the pipeline (or the authorized representative of the owner), who shall represent all parties involved. Pipelines may only be placed in Ector County right-of-ways in such a manner as to cross the county road (as close as possible to perpendicular to the roadway). Any proposed installation of a pipeline parallel to the roadway must be expressly approved by action of the Ector County Commissioners Court.
2. **Rights & Obligations:** It is expressly understood that Ector County does not purport to grant any right, claim, title or easement in this right-of-way; and it is further understood that Grantor may require the Grantee, at the Grantee’s expense, to lower or relocate this line, subject to provisions of governing laws, by giving thirty (30) days written notice.
3. **Specifications & Requirements:** All work within the right-of-way shall be performed in accordance with this policy, specifications, and procedures, and with the county public works department instructions. The installation shall not damage any part of the roadway and adequate provisions must be made to cause minimum inconvenience to traffic and adjacent property owners. Upon the completion of any such construction, installation, removal or lowering, Grantee shall replace and restore all fences relocated or removed during the construction period to the satisfaction of Ector County. Grantee shall pay Grantor reasonable compensation for such fences, walls, structures, or roadway damage, which may not be replaceable or repairable and for all other damages caused by Grantee in connection with the pipeline installation described herein.
4. **Inspection & Maintenance:** Ector County always reserves the right to inspect pipeline crossing installation at the time of construction and thereafter, and to require such changes, maintenance, and repairs as may at any time be considered necessary to provide protection of life and property within the county right of way. The cost of changes, maintenance and repairs of pipelines, and other appurtenances on the right of way will be the responsibility of the grantee. In the event the grantee fails to make corrective measures as directed, Ector County may perform the necessary work and hold the grantee financially responsible.
5. **Warning Signs and Safety Markers:** On county roads where pipeline or utility work is in progress, the undersigned pipeline/utility company or its contractor shall set out temporary traffic control signs and safety marker to warn the public of the work site. Upon completion of the pipeline/utility work

on the county road, the undersigned pipeline company or its contractor shall set out permanent warning signs and/or safety markers at the location.

6. **Liability & Hold Harmless:** The Grantee shall be liable for any and all damages to the personal and real property of Grantor and to any third person or persons by reason of Grantee's operations under the terms herein in constructing, installing, repairing, maintaining, using or removing from Grantor's premises or right-of-way the above mentioned pipeline, whether caused by Grantee's negligence or otherwise. Grantee further agrees to indemnify and hold harmless Ector County and its duly appointed agents and employees from any judgment (including expenditures of defending any suit) that may be taken by any third person or persons against Grantor as the result of damages proximately caused by Grantee associated with this permit.
7. **Non-Exclusivity:** The right and privileges granted herein are non-exclusive and Grantor reserves the right to convey similar rights and privileges to such other persons as it may deem proper. In addition, Grantor retains, reserves, and shall continue to enjoy the use of such property for any and all purposes.
8. **Temporary Water Lines:** No Temporary water lines may be placed in or across county right-of-ways unless expressly approved by action of the Ector County Commissioners' Court.
9. **Termination:** The rights and privileges granted hereunder shall terminate when, or at such time as, the purposes hereof cease to exist or become impossible of performance, or at the request of the Grantor. Should Grantee fail to perform any covenant, undertaking, or obligation arising hereunder, all rights and privileges granted hereby shall terminate, and Grantee shall be liable for all damages to Grantor caused by Grantee's default.
10. **Assignment:** The rights and privileges described herein may or may not be assignable by the Grantee, and any assignment not approved by Grantor may terminate the rights and privileges herein. The rights and privileges granted herein are personal and do not convey any interest in the real property.
11. **Filing Fee:** A filing fee of \$300.00 per agreement plus \$10.00 per rod right of way damages and \$20.00 per rod easement (for a total of \$30.00 per rod) is enclosed with this agreement. There is an additional \$5,000 penalty fee if said pipeline/utility has been installed prior to this application being presented to and approved by Ector County Public Works. This fee applies to all entities, including local government requests, except the Ector County Utility District (ECUD).
12. **Notification:** The Grantor shall be notified through the Public Works Department forty-eight (48) hours prior to start of any work within the county right-of-way.

In consideration of this agreement, the Grantee further agrees, covenants and warrants that: Grantee shall install the pipeline that is the subject of this agreement in accordance with the "POLICY, SPECIFICATIONS AND PROCEDURES FOR PLACING AND INSTALLING PIPELINES WITHIN THE RIGHT-OF-WAY OR CROSSING OF ECTOR COUNTY ROADS AND STREETS" and "MINIMUM DEPTH OF COVER FOR UNDERGROUND PIPELINES AND UTILITIES ON ECTOR

COUNTY RIGHT-OF-WAY,” herein attached and incorporated by reference and styled Exhibit A.1, A.2, and Exhibit B as adopted by the Ector County Commissioners' Court.

IN WITNESS WHEREOF, this instrument is executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

COUNTY OF ECTOR, Grantor

By: \_\_\_\_\_  
Public Works Department, Ector County

THE STATE OF TEXAS     §  
  §  
COUNTY OF ECTOR       §

BEFORE ME, the undersigned authority, on this day personally appeared, \_\_\_\_\_, whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

My Commission expires: \_\_\_\_\_.

By: \_\_\_\_\_  
Grantor’s Agent Name & Title

\_\_\_\_\_  
Signature

ATTEST:

\_\_\_\_\_  
County Clerk, Ector County, Texas

PIPELINE/UTILITY COMPANY, Grantee

By: \_\_\_\_\_  
Contractor, Pipeline/Utility

THE STATE OF \_\_\_\_\_ §  
§  
COUNTY OF \_\_\_\_\_ §

BEFORE ME, the undersigned authority on this day personally appeared,

\_\_\_\_\_ of \_\_\_\_\_  
(Name) (Company or Contractor)

of \_\_\_\_\_ COUNTY, STATE OF \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said \_\_\_\_\_ COUNTY, STATE OF \_\_\_\_\_, for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC, in and for the State of \_\_\_\_\_

My Commission expires: \_\_\_\_\_.

By: \_\_\_\_\_  
Grantee's Agent Name & Title

\_\_\_\_\_  
Signature

## EXHIBIT "A.1"

### **POLICY, SPECIFICATIONS AND PROCEDURES FOR PLACING AND INSTALLING PIPELINES WITHIN THE RIGHT-OF-WAY OR CROSSING ECTOR COUNTY ROADS AND STREETS.**

#### **I. ECTOR COUNTY POLICY**

- A. Any person, company, firm, partnership, corporation, or organization of any kind (referred to as the Utility/Contractor) shall apply to the Ector County Commissioners' Court for permission to install pipelines/utilities or do any construction in the right-of-way of any road or street maintained by Ector County.
- B. Crossing under surfaced roads shall be by boring and encasing the line in conduit across entire right-of-way.
- C. When evidence is presented indicating the impracticality of boring or tunneling, the Ector County Commissioners' Court may grant permission to cut the paved surface. If approved, trenching, backfilling and resurfacing of the cut shall be done in accordance with the procedures outlined in this specification. The Utility/Contractor shall be responsible for all paving repairs for a period of one year after completion.
- D. Trenching across caliche surfaced and dirt roads will be granted permission provided the requester agrees to comply with the specified repair procedures outlined in the specification.
- E. The Utility/Contractor shall make every effort to open and close all trenching operations during the daylight hours of one day. Appropriate measures shall be followed in the interest of safety, traffic convenience and access to adjacent property for all trenching operations. Necessary signs, barricades, and protective devices shall be used as required to warn the traffic and to provide protection to workers and the public. In instances where the trench cannot be closed at the end of a day, extra precaution will be taken to warn night traffic of the hazard. The use of appropriate barricades and lighting shall be the responsibility of the person making the request for trenching.
- F. When emergency repairs are deemed necessary by the County Public Works Director, or their designee to correct a hazardous situation, which is obviously dangerous to the public, the Utility/Contractor responsible for the pipeline shall be notified immediately to rectify the problem. If the Utility/Contractor does not respond within one hour, Ector County will make the repairs and the Utility/Contractor will be billed.

#### **II. SPECIFICATIONS AND PROCEDURES FOR INSTALLATION ON COUNTY RIGHTS-OF-WAY: PIPELINE CROSSINGS**

- A. All pipeline installation under the roadbed of a county road within the county right-of-way shall be placed by boring. Where right-of-way widths permit, boring shall extend for a minimum distance of ten feet (10') from either edge of the roadway surface.

- B. All boring under paved roads shall be done using a pilot hole no larger than two inches (2") in diameter for the entire length of the crossing. Upon completion of pilot hole, the contractor must notify the County Public Works Director's Office for inspection of line and grade prior to any further boring.
- C. Bore pits shall be located a minimum of ten feet (10') away from the edge of the roadway. Over-cutting in excess of one inch (1") shall be remedied by pressure grouting the entire length of the installation.
- D. All pipelines placed in the right-of-way (whether bored or open cut) shall have a minimum cover of at least thirty-six inches (36") below the surface of the ground (at the bar ditch or the lowest point in the right-of-way).
- E. All pipeline placed in the County right-of-way that requires a cut through a paved roadway shall require the action of the Ector County Commissioners' Court. Such action of the Court is final and shall determine whether this permit is granted or denied.
- F. All pipelines carrying pressured gas or liquid fuel contents shall be enclosed in satisfactory encasement extending from right-of-way line to right-of-way line, with vents provided at the ends of the encasement.
- G. Any poles, pedestals, vent pipes or other similar appurtenances which must be placed within the right-of way, shall be placed within eighteen inches (18") of the right-of-way line.
- H. When boring is considered impracticable, the Commissioners' Court may consider a variance request to these specifications and grant permission to open cut and backfill a specific installation. In this case, the following conditions shall govern:
  - 1. All backfilling of dirt and/or caliche base, within the entire roadway width, shall be done at optimum moisture, in six inch (6") lifts and compacted sufficiently to obtain 95% Standard Proctor Density. Density tests from reliable laboratory shall be furnished as required by the Ector County or its duly appointed agents.
  - 2. In lieu of compacted backfill described above, the open-cut ditch, within the entire roadway width, may be backfilled with cement stabilized caliche base: caliche base material must be approved by the County Director of Public Works, or their designee; and base material shall be mixed and batched (with transit mix equipment) with 2 sacks of cement per cubic yard mix; and shall have a maximum slump of six inches (6").
  - 3. All cuts, backfill, base replacement and resurfacing are to be performed in a neat and workmanlike manner and shall conform to all directions of the County Public Works Department.
  - 4. The Grantee or his designated contractor performing the installation shall contact

the County Public Works Director's Office at least forty-eight (48) hours before permanent backfilling begins. The contractor shall be liable for all damages proximately caused by Contractor to private and/or County property inside or outside the repair area.

- I. Pavement or roadway damaged by any of the operations associated with this installation shall be required as directed by and to the satisfaction of the Public Works Director, or their designee.
- J. Necessary traffic control devices, including barricades, cones and warning signs (and when necessary, flagmen) shall be provided by the Grantee and used as required to warn the driving public and to provide protection to the workers. All traffic control shall be designed, installed, operated and maintained in accordance with the latest revised edition of the *Texas Manual on Uniform Traffic Control Devices (TMUTCD)*. Such design shall be presented as traffic control plan (TCP) during the time of this application or shall be included in the grantee's submission of Exhibit C. The road way shall always be opened to traffic, unless the grantee is specifically authorized by the County Commissioners' Court to temporarily close the road to traffic. All operations shall be conducted in the interest of traffic safety and access to adjacent property.



**EXHIBIT "A.2"**

**ECTOR COUNTY PUBLIC WORKS DEPARTMENT**

MINIMUM DEPTH OF COVER FOR UNDERGROUND PIPELINES AND UTILITIES ON  
ECTOR COUNTY RIGHT-OF-WAY

November 5, 2019

**FOR UTILITY LINES INSTALLED PARALLEL WITH OR ACROSS ECTOR COUNTY RIGHT-O- WAY (ROW):**

| <b>TYPE OF UTILITY</b>   | <b>CROSSING PAVEMENT OR PARALLEL LESS THAN 10' FROM PAVEMENT EDGE</b><br>(See Note #1 & 2 Below) | <b>UNDER DRAINAGE DITCH OR CHANNEL</b>  | <b>UNDER NATURAL GROUND &amp; MORE THAN 10' FROM PAVEMENT EDGE</b>                    |
|--|--|---|---|
| <b>LOW PRESSURE NATURAL GAS (&lt;60 PSI)</b>                               | 60"  | 36"<br>(42" for Plastic Pipe)   | 36"<br>(48" for Plastic Pipe)   |
| <b>HIGH PRESSURE NATURAL GAS (&gt;60 PSI) OR LIQUID PETROLEUM PRODUCTS</b> | 60"  | 36" (to Casing Pipe)<br>54" (to Un-Encased Pipe)                                      | 36" (to Casing Pipe)<br>54" (to Un-Encased Pipe)                                      |
| <b>TELEPHONE</b><br>(Copper Cable)   | 60"  | 36"   | 36"   |
| <b>TV CABLE</b>  | 60"  | 36"   | 36"   |
| <b>FIBER OPTIC</b><br>(Data, Phone, or TV)                                 | 60"  | 42"   | 42"   |
| <b>SANITARY SEWER</b>  | 60"  | 36"<br>(42" for Plastic Pipe)   | 36"<br>(36" for Plastic Pipe)   |
| <b>WATER</b>   | 60"  | 36"<br>(42" for Plastic Pipe)   | 36"<br>(42" for Plastic Pipe)   |
| <b>ELECTRIC</b>  | 60"  | BY VOLTAGE<br>36" (<22,001 volts)<br>42" (22,001-40,001 volts)<br>48" (>40,001 volts) | BY VOLTAGE<br>36" (<22,001 volts)<br>42" (22,001-40,001 volts)<br>48" (>40,001 volts) |

**Notes:**

- Utility lines installed parallel with ECTOR COUNTY ROW are not permitted under ECTOR COUNTY roads pavement; except as approved by the Ector County Commissioners' Court
- Utility lines installed across ECTOR COUNTY roads pavement, or intersecting ECTOR COUNTY roads shall be placed inside a steel casing pipe.