

**89TH ANNUAL WEST TEXAS
COUNTY JUDGES AND
COMMISSIONERS ASSOCIATION
CONFERENCE**

Thursday, April 26, 2018
8:00 – 8:50 a.m.

**“Mitigating the Adverse
Effects of Oil and Gas
Development”**

*Hon. Tim Addison, Yoakum County,
Commissioner*

*Hon. Kim Halfmann, Glasscock County,
Judge*

No. _____

**PETITION FOR AUTHORITY TO USE
A PART OF THE PUBLIC ROADS OF YOAKUM COUNTY, TEXAS**

Petitioner, _____ petitions the COMMISSIONERS COURT of the County of Yoakum, State of Texas for the right and authority to lay, construct, operate and maintain a line under and across a certain county road in Yoakum County, Texas, which said is to be used for the purpose of:

Size of line or casement: _____

Number of lines: _____

Product carried: _____

Cut ditch or Bore: _____

Attach fee of \$500.00 with application Payable to treasurer of Yoakum County. This fee is refundable if application is not approved. If application is approved, project must be completed within six (6) months of application or fee and application is forfeited.

1.

Petitioner represents and states that if granted the authority herein requested it will conform with and abide by the rules of all persons and bodies having jurisdiction and by the conditions outlined in this petition. The Commissioner of the affected Precinct shall be contacted by petitioner prior to approval of application for crossing. Determination of boring versus ditching will be made and any other special accommodations will be approved by the Precinct Commissioner and Precinct Commissioner will recommend approval of petition by the Commissioners' Court. The petitioner will contact the commissioner with the date that construction will be initiated.

The general specifications will be described on a map marked Exhibit "A", and a map showing exact location marked Exhibit "B"; all of which are attached hereto and made a part of this Petition AND COPY SENT TO County Commissioner for the Precinct. (See attached names)

2.

The Petitioner shall, in constructing and installing crossing, cause the very minimum of inconvenience and obstruction of public travel along said road, and further, shall operate and maintain said line in a manner so as not to inconvenience, endanger, or obstruct public travel along said road. Any line shall be installed at **a minimum depth of 48 inches from the top of the encasement to the lowest point of the existing borrow ditch.** Any traffic control needed for proposed crossing will be furnished by petitioner at their cost.

3.

Upon the completion of the crossing, Petitioner shall immediately backfill, reconstruct and replace the portions of the road and borrow ditch which have been disturbed, so that such road shall be in equally as good a condition as prior to such construction.

4.

So long as pipeline is maintained and operated under said road, Petitioner shall be responsible for doing any work on road which is due to the existence of said pipeline crossing, in order to maintain said road, at this crossing, in a condition equal to other portions of said county roads.

5.

If Petitioner removes or replaces said pipeline from this crossing, it will repair the road at the location so county road is in the same condition as it was prior to said construction. All construction will be approved in advance by the commissioner of the affected precinct. Liability of Petitioner for the maintenance and reconditioning of such road shall cease after Yoakum County has approved the reconditioning work done by Petitioner.

6.

Petitioner agrees that if at any time the COUNTY OF YOAKUM shall deem it necessary to make any improvements or changes on all of or any part of the right of way of the county roads which affect this line located under this petition, then and in such event, the Petitioner or his Assignee shall make such reasonable changes of it facilities located within such right of way as may be deemed necessary, such work to be done without cost to COUNTY OF YOAKUM.

7.

The commencement of construction of this project by Petitioner shall be considered and shall constitute an acceptance of the order entered and of all the terms and conditions set forth therein.

8.

Petitioner agrees to indemnify and hold harmless the COUNTY OF YOAKUM from any liability or damages County may suffer as a result of claims, demands, costs or judgments against County arising out of the performance of the work and services under this agreement or arising from any accident, injury or damage whatsoever, to any person or persons, or to the property of any person(s or corporation(s) occurring during the performance of this agreement and on or about this project.

WHEREFORE, your Petitioner respectfully prays that the COMMISSIONER'S COURT of the COUNTY OF YOAKUM enter an Order herein authorizing Petitioner to use and occupy the portions of the roads in Yoakum County, Texas, more particularly hereinabove set out and described and at the location show and set out in said Exhibit "A" and "B" attached to this application.

DATED this _____ day of _____, _____.

_____, Petitioner

By _____

Contact phone # _____



**PERMIT FOR INSTALLATION ON COUNTY RIGHTS-OF-WAY:
ACCESS DRIVEWAYS – COMMERCIAL / HEAVY DUTY**

APPLICATION

Permittee _____ (Primary _____ Operator):

Address: _____ City, _____ State, _____ Zip:

Contact _____ Person:

Phone: _____ Cell Phone: _____

Proposed Driveway is in Glasscock County Precinct No. _____ on _____ (County Road). A sketch showing location and description of the proposed driveway is attached to this form.

Proposed Timeline of construction within the right-of-way will begin on or after _____, 20____; and will be completed on or before _____, 20____. (Maximum length of permit: Thirty (30) days, unless specifically authorized by action of the Glasscock County Commissioners Court).

The above-named company (Permittee) proposes to place the above-described driveway within the right-of-way of the above-named county road in Glasscock County, Texas, and does hereby apply to the Glasscock County Commissioners Court for approval of this installation. The location and description of the proposed driveway and appurtenances is more fully shown on a sketch attached to this permit application. This installation shall be constructed and maintained in the county right-of-way as directed by the County Commissioner and in accordance with the Policy and Specifications adopted by the Glasscock County Commissioners Court and made a part of this Permit.

Landowner's Signature _____

Company Name: _____

Date: _____

Signature: _____

APPROVAL

The Commissioners Court of Glasscock County, Texas, offers no objection to the location in the right-of-way of your proposed driveway as described in this document and as shown on the attached sketch. This installation shall be performed in strict compliance with directions of the County Commissioner and the Policy and Specifications which are a part of this Permit. This permit is not assignable by the Permittee, and any assignment shall terminate the rights and privileges herein.

Date: _____

Signature: _____

County Commissioner or County Judge

POLICY FOR INSTALLATION ON COUNTY RIGHTS-OF-WAY: Commercial / Heavy Duty Access Driveways

Permit Applications: No access connection, driveway, approach, or other improvement constructed in the right-of-way of any Glasscock County road shall be installed, constructed, rebuilt, relocated, enlarged or otherwise modified without a duly executed permit from Glasscock County. Applications for permits shall be submitted to the County Commissioner of the Precinct in which the proposed improvement is located or to the County Judge; and shall be submitted by the primary operator (or its authorized representative), who shall represent all parties involved. Applications for permits shall be made only for the purpose of securing or changing access to the owner's property (not for the purpose of parking or servicing vehicles on county rights-of-way). An access connection is a facility for entry and/or exit, such as a driveway, street or road that connects private property to a road under the jurisdiction of Glasscock County. For purposes of this document, an access connection is commonly referred to as a driveway. There is no fee for this permit.

Rights & Obligations: It is expressly understood that Glasscock County does not purport to grant any right, claim, title or easement in this right-of-way; and it is further understood that Glasscock County may require the Permittee, at the Permittee's expense, to relocate this driveway, subject to provisions of governing laws, by giving thirty (30) days written notice. The Permittee also agrees to remove said driveway, gate, cattleguard and all appurtenances when the job is complete (replacing fence and cleaning the area to the satisfaction of the County Commissioner), unless the property owner agrees to allow these improvements to remain.

Specifications & Requirements: All work within the right-of-way shall be performed in accordance with this Policy and Specifications and with the County Commissioner's 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 or installation, Permittee shall replace and restore all fences relocated or removed during the construction period, to the satisfaction of the County Commissioner.

Construction and Reconstruction: Any existing access driveway structures which are destroyed or removed in the construction or reconstruction of a section of county road will be reestablished by Glasscock County to the extent necessary to provide reasonable access.

Materials: The Permittee shall furnish all materials for the construction of the driveways and all appurtenances authorized by the permit. All materials shall be of satisfactory quality and shall be subject to inspection and approval by the County Commissioner.

Inspection & Maintenance: Glasscock County reserves the right to inspect driveway installations at the time of construction and at all times 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 driveways and other access driveway appurtenances on the right of way will be the responsibility of the Permittee, except as provided under **Construction and Reconstruction** herein. In the event a Permittee fails to make corrective measures as directed, Glasscock County may perform the necessary work and hold the Permittee financially responsible.

Signs: The Permittee shall not erect any signs (fixed or movable) on, or extending over, any portion of the county road right-of-way.

Liability & Hold Harmless: Throughout the length of this permit, the Permittee shall be liable for any and all damages to the personal and real property of Glasscock County and to any third person or persons by reason of these operations in installing, repairing, maintaining, using or removing from the right-of-way the above mentioned driveway, whether caused by the Permittee's negligence or otherwise. Permittee further agrees to indemnify and hold harmless Glasscock County and its duly appointed agents and employees against any action (including expenditures of defending any suit) for personal injury or property damage sustained during any actions associated with this permit.

Non-Exclusivity: The rights and privileges granted herein are non-exclusive and Glasscock County reserves the right to convey similar rights and privileges to such other persons as it may deem proper.

Notification: The County Commissioner shall be notified forty-eight (48) hours prior to start of any work within the county right-of-way.

SPECIFICATIONS FOR INSTALLATION ON COUNTY RIGHTS-OF-WAY: Commercial / Heavy Duty Access Driveways

Design requirements (specifications) for access driveways are adopted to insure maximum safety for the public:

1. Locations of driveways shall be selected to provide maximum safety for road traffic and for users of the driveway. Ingress and egress of truck traffic at these locations shall be considered when designing the location of improvements serviced by the proposed driveway. Also, distances between the proposed driveway and existing driveways, or between two or more proposed driveways shall be considered. The following distances (based on TxDOT's Access Management Manual) are the recommended spacing between driveways: at posted speeds of 30 mph or less: 200 feet; at 35 mph posted speed: 250 feet; at 40 mph posted speed: 305 feet; at 45 mph posted speed: 360 feet; at 50 mph or greater posted speed: 425 feet. The County Commissioner may adjust these recommended spacings based on amount of heavy truck traffic, truck turning radii, right-of-way width, presence or lack of shoulders, roadway geometrics, sight distances or other safety considerations.
2. Commercial / Heavy Duty driveway (for tractor-trailer rigs, drilling rigs, work-over rigs, large trucks, large, long trailers, etc.) Permittees shall place the set back a minimum of 60 feet from the right-of-way line (fence line). The opening in the right-of-way fence shall be a minimum of 25 feet.
3. The width of the driveway surface shall not exceed 24 feet. Radii for all access driveways shall be not less than 10 feet.
4. The angle of the driveway from the county roadway shall be 90 degrees, unless specifically authorized by action of the Glasscock County Commissioners Court.
5. Drainage in highway bar ditches shall not be altered or impeded. When drainage structures are required, the culvert size and other design features shall be approved by Glasscock County.
6. Driveways shall be constructed with 24" of caliche base material acceptable to the County Commissioner to prevent tracking mud onto the road and to prevent damage to the edge of the road from vehicles using the driveway. Driveways can be surfaced with an all weather surface such as concrete, asphalt, gravel, etc. at the permittee's discretion.
7. Driveways shall be constructed to match the grade of the county road surface edge (or the shoulder edge if a shoulder is present). The driveway shall be sloped to provide positive drainage away from the road surface.
8. Valley gutter in the driveway shall be aligned with the existing bar ditch and the valley section shall be surfaced with a stabilized all weather surface material acceptable to the County Commissioner to conform to the cross-sectional shape of the bar ditch.
9. Drainage structures (circular pipe, elliptical pipe, box culvert, paved valley gutter, etc.) constructed within the road right-of-way shall be designed to be traversable by an errant vehicle without abrupt change in speed or rollover. There shall be no culvert headwalls or similar vertical ends. Ends shall be sloped at 6:1 (6 horizontal to 1 vertical) or flatter, with concrete riprap to prevent erosion and to protect the pipe end. The embankment slope shall be 6:1 maximum, with 8:1 preferred beginning at the edge of the driveway.
10. Fixed objects will not be allowed in the county road right-of-way.
11. Maintenance of all driveways shall be the responsibility of the Permittee. If drainage or safety problems related to driveways occur, it is the Permittee's responsibility to take corrective action as directed by Glasscock County. If the Permittee fails to take corrective action, Glasscock County may make the necessary alterations and hold the Permittee financially responsible.
12. Pavement or roadway damaged by any of the operations associated with this installation shall be repaired as directed by and to the satisfaction of the County Commissioner.
13. Necessary traffic control devices, including barricades, cones and warning signs (and when necessary, flagmen), shall be provided by the Permittee 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. The roadway shall be open to traffic at all times, unless the Permittee is specifically authorized by action of the Glasscock County Commissioners Court to temporarily close the road to traffic.



**PERMIT FOR INSTALLATION ON COUNTY RIGHTS-OF-WAY:
PIPELINE CROSSINGS**

APPLICATION

Applicant (Permittee): _____

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).

Proposed Location is in Glasscock County Precinct No. _____ on _____ (County Road). A sketch showing location and description of the proposed pipeline is attached to this form.

Proposed Timeline of construction within the right-of-way will begin on or after _____, 20____; and will be completed on or before _____, 20____. (Maximum length of permit: Two (2) weeks, unless specifically extended by action of the Glasscock County Commissioners Court).

I propose to place the above-described pipeline within the right-of-way of the named county road in Glasscock County, Texas, and do hereby apply to the Glasscock County Commissioners Court for approval of this installation. The location and description of the proposed pipeline and appurtenances is more fully shown on a sketch attached to this permit application. I agree to construct and maintain this installation in the county right-of-way as directed by the County Commissioner and in accordance with the Policy and Specifications adopted by the Glasscock County Commissioners Court and made a part of this Permit.

Date: _____ Signature: _____

Landowner's Signatures _____

APPROVAL

The Commissioners Court of Glasscock County, Texas, offers no objection to the location in the right-of-way of your proposed pipeline as described in this document and as shown on the attached sketch. This installation shall be performed in strict compliance with directions of the County Commissioner and the Policy and Specifications which are a part of this Permit. This permit is not assignable by the Permittee, and any assignment shall terminate the rights and privileges herein.

Date: _____ Signature: _____
County Commissioner or County Judge

Phone: _____

POLICY FOR INSTALLATION ON COUNTY RIGHTS-OF-WAY: PIPELINE CROSSINGS

Permit Applications: No pipeline shall be installed, constructed, rebuilt, relocated, enlarged or otherwise modified within the right-of-way of any Glasscock County road without a duly executed permit from Glasscock County. Applications for permits shall be submitted to the County Commissioner of the Precinct in which the proposed pipeline is located or the County Judge; 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 Glasscock County rights-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 Glasscock County Commissioners Court.

Rights & Obligations: It is expressly understood that Glasscock County does not purport to grant any right, claim, title or easement in this right-of-way; and it is further understood that Glasscock County may require the Permittee, at the Permittee's expense, to lower or relocate this line, subject to provisions of governing laws, by giving thirty (30) days written notice.

Specifications & Requirements: All work within the right-of-way shall be performed in accordance with this Policy and Specifications and with the County Commissioner's 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, Permittee shall replace and restore all fences relocated or removed during the construction period to the satisfaction of the County Commissioner. Permittee must keep all equipment off of the right-of way prior to, during and post construction.

Inspection & Maintenance: Glasscock County reserves the right to inspect pipeline crossing installations at the time of construction and at all times 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 Permittee. In the event a Permittee fails to make corrective measures as directed, Glasscock County may perform the necessary work and hold the Permittee financially responsible.

Signs: The Permittee shall not erect any signs (fixed or movable) on, or extending over, any portion of the county road right-of-way.

Liability & Hold Harmless: The Permittee shall be liable for any and all damages to the personal and real property of Glasscock County and to any third person or persons by reason of these operations in installing, repairing, maintaining, using or removing from the right-of-way the above mentioned pipeline, whether caused by the Permittee's negligence or otherwise. Permittee further agrees to indemnify and hold harmless Glasscock County and its duly appointed agents and employees against any action (including expenditures of defending any suit) for personal injury or property damage sustained during any actions associated with this permit.

Non-Exclusivity: The rights and privileges granted herein are non-exclusive and Glasscock County reserves the right to convey similar rights and privileges to such other persons as it may deem proper.

Temporary Water Lines: No temporary water lines may be placed in or across county rights-of-ways unless expressly approved by action of the Glasscock County Commissioners Court.

Notification: The County Commissioner shall be notified forty-eight (48) hours prior to start of any work within the county right-of-way.

SPECIFICATIONS FOR INSTALLATION ON COUNTY RIGHTS-OF-WAY: PIPELINE CROSSINGS

1. All pipeline installations 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 10 feet from either edge of the roadway surface. Bore pits shall be located a minimum of 10 feet away from the edge of the roadway. Over-cutting in excess of one (1) inch shall be remedied by pressure grouting the entire length of the installation.
2. All pipelines placed in the right-of-way (whether bored or open cut) shall have a minimum cover of 36 inches.
3. 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.
4. Any poles, pedestals, vent pipes or other similar appurtenances which must be placed within the right-of-way, shall be placed within eighteen (18) inches of the right-of-way line.
5. 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:
 - a. All backfilling of dirt and/or caliche base, within the entire roadway width, shall be done at optimum moisture, in six (6) inch lifts and compacted sufficiently to obtain 95% Standard Proctor Density. Density tests from a reliable laboratory shall be furnished as required by the County Commissioner.
 - b. 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 Commissioner; and base material shall be mixed and batched (with transit mix equipment) with 2 sacks of cement per cubic yard of mix; and shall have a maximum slump of six (6) inches.
 - c. All cuts, backfill, base replacement and re-surfacing are to be performed in a neat and workmanlike manner and shall conform to all directions of the County Commissioner.
6. Pavement or roadway damaged by any of the operations associated with this installation shall be repaired as directed by and to the satisfaction of the County Commissioner.
7. Necessary traffic control devices, including barricades, cones and warning signs (and when necessary, flagmen) shall be provided by the Permittee 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. The roadway shall be open to traffic at all times, unless the Permittee is specifically authorized by the County Commissioner to temporarily close the road to traffic. All operations shall be conducted in the interest of traffic safety and access to adjacent property.