

# **APPENDIX B**

*Right of Way Management:  
Application and Permitting Procedures  
and  
Construction Specifications*

## **1. INTRODUCTION**

Because of the increasing number of facilities in the public right-of-way, the City has adopted Ordinance No. 2017-14 (Right-of-Way Ordinance) and Appendix B: Right of Way Management: Application and Permitting Procedures and Construction Specifications to the existing City of El Campo 2014 Design Manual for the Approval and Acceptance of Infrastructure in order to guide and manage the use of the public right-of-way. This appendix is intended to provide technical criteria and details necessary to implement the provisions of the Right-of-Way Ordinance. The ordinance states that the Director of Public Works (Director) is authorized to administer and enforce the provisions of the ordinance, and to promulgate regulations including, but not limited to, engineering, technical, and other criteria and standards.

## **2. PUBLIC SERVICE PROVIDER REGISTRATION**

### **2.1 Authority**

Prior to registration, a public service provider must be either a Certificated Telecommunications Provider under Chapter 283 of the Texas Local Government Code, have a Certificate of Convenience and Necessity authorized by Chapter 13 of the Texas Water Code, have a franchise or license agreement with the City, have an interlocal agreement, or otherwise be permitted by State law to operate facilities within public rights-of-way.

### **2.2 Process**

Prior to obtaining a permit to perform construction within the public right-of-way, a public service provider must first register with the Public Works Department of the City of El Campo in accordance with Chapter 36 Article III Right of Way Maintenance. A copy of the registration form is included with this document. Questions regarding registration for construction within the public right-of-way may be directed to:

Public Works Department  
Attn: Public Works Director  
618 Monseratte St  
El Campo, Texas 77437  
kthompson@cityofelcampo.org  
979-541-5075

## **3. CONSTRUCTION PERMITTING PROCEDURE**

### **3.1 Permitting Process**

Prior to performing construction within the public right-of-way, the public service provider, or its authorized representative, is required to obtain a permit from the Planning Department in accordance with Chapter 36 Article III of the City of El Campo Code of

Ordinances. The following procedures shall be adhered to when making application for permit.

1. The public service provider, or his authorized representative (permittee), must complete a Public Right-of-Way Construction Permit Application.
2. The applicant shall submit two sets of plans with the application and the application fee to the Planning Department.
3. The Planning Department will distribute the plans to other reviewing departments within the City. The Planning Department will make every effort to compile and forward all comments to the applicant within 10 business days.
4. The permittee shall correct the plans based on the comments received and resubmit two sets of revised plans to the Planning Department.
5. If the comments have been addressed to the satisfaction of the City, the permit will be issued. If not, the Planning Department will issue another review letter and the permittee will have an opportunity to correct the plans. This process will continue until the comments have been addressed and the permit is issued.
6. Except in an emergency situation, the City recommends that the permittee provide the Director with electronic formats of photographs, maps, or other display of the project site before commencement of the work, which show fences, driveways, landscaping, roadways, sidewalks, mailboxes, and other improvements along the length of the project.

All new submittals for a permit shall include a completed application, construction plans and application fee. In addition, depending on the type of work, a storm water pollution prevention plan, traffic control plan, and trench safety plan may also be required. All submittals shall be in accordance with the following subsections.

Revised plans addressing review comments shall be resubmitted with a copy of the original permit application and shall be clearly marked as “resubmittal”.

### **3.2 Permit Application**

The permittee is required to complete the Public Right-of-Way Construction Permit Application (application).

If a utility structure larger than 60 cubic feet is proposed, a separate Utility Structure Permit will also be required. The permit application is also included in the Right of Way (ROW) Construction Permit.

Construction must begin no later than 90 days after the permit is issued by the Planning Department, or as otherwise extended. Otherwise, the permittee must resubmit a new permit application.

For any work within the state right-of-way, the public service provider shall, upon request from the City, provide to the Planning Department evidence of permit from the state.

### **3.3 Construction Plans**

The construction plans shall be submitted electronically and on paper, and are required to show the following:

1. Whether a facility is overhead or underground;
2. The full limits of the proposed work. The minimum paper plan size is 11" x 17";
3. The location of all existing public facilities, including City water lines, storm drainage facilities, and sanitary sewer lines in relation to all proposed utilities, if there is a potential for conflict. Maps for existing and proposed public facilities may be viewed on the City website or at the Service Center. If there is a potential for conflict, the location of the existing public facilities shall be noted, or a profile shown, in relation to the proposed utility line. The plans shall indicate how potential conflicts will be avoided.
4. If there is a potential conflict, the construction plans shall show the location of the City's underground electric and communication lines for streetlights and traffic signals.
5. If there is a potential conflict, the location of the City's fiber optic cables and communication lines. The applicant should contact the Public Works Department for network information;
6. Detail of proposed facility installation, including pipe size, depth and dimensions of occupied space. If a utility structure is proposed, the dimensions, type, and location of the structure shall be indicated on the plans;
7. Pavement removal and replacement limits for street cuts, when allowed;
8. The length and depth of all bores;
9. Identification of any proposed bores, trenches, hand holes, manholes, vaults, switch gears, transformers and pedestals, including depth;
10. Landscape protection measures; and
11. Complete legend of drawings.

### **3.4 Storm Water Pollution Prevention Plan**

The permittee shall submit two sets of a Storm Water Pollution Prevention Plan to the Public Works Department in cases where stream/creek crossings are open cut. A four-foot vertical clearance below the bottom of the proposed stream bed or drainage facility is required. The permittee shall contact the Public Works Director for future improvements

to the stream/creek, which may impact the proposed alignment.

The following pollution prevention measures shall be used where applicable:

1. Avoid placing pollution prevention structural controls in the floodway.
2. Trap/contain boring “slurry / mud” or waste material to prevent flow in the street and/or storm drain system through the use of a vacuum excavator, or equivalent method and remove from the public right-of-way.
3. Remove construction debris and trash daily.
4. Place erosion control matting, hydromulch seeding or sod on bare ground as soon as possible, but no later than 10 days after completion of construction work.
5. Clean sediment from streets and other paved surfaces. Sediment shall be removed by sweeping and not by washing into the storm drain system.

### **3.5 Traffic Control Plan**

Any work that may impact traffic flow or result in lane closures in streets will require a traffic control plan and the closures shall comply with the most current edition of The Texas Manual on Uniform Traffic Control Devices. The permittee shall indicate on the permit application if a lane closure is required. In addition:

1. A permittee shall minimize interference with traffic flow on any street included during the hours of 7:00 a.m. through 8:30 a.m. and 4:30 p.m. through 6:00 p.m. Monday through Friday. If construction on a partially closed street stops for the day, all lanes must be reopened to traffic. The Director may waive these requirements upon a finding of good cause shown by the permittee or public service provider.
2. The permittee shall notify the Public Works Department in writing 48 hours in advance prior to any work on a weekend that requires the inspection of a City facility. Except as provided by State law, the permittee shall compensate the City of an inspector inspections and re-inspections as set in the City’s fee schedule. Except for emergencies, no work shall be performed on weekends or city holidays unless approved by the Director. The Director shall consider overall convenience to the public and to the service provider’s customers when considering to allow work on weekends.
3. Except in the case of an emergency, no work shall be performed between the hours of 10:00 p.m. and 6:00 a.m. unless authorized in writing by the Director. The Director shall consider overall convenience to the public and to the service provider’s customers when considering to allow work between 10:00 p.m. and 6:00 a.m. Except as provided by State law, the permittee shall reimburse the City for any inspections made between the hours of 5:00 p.m. and 8:00 a.m. The reimbursement shall be on an hourly basis at the rate set in the City’s fee schedule.

4. The Director may require that the work occur overnight when necessary to expedite construction and minimize disruption to traffic.

### **3.6 Trench Safety Plan**

Trench safety systems shall meet or exceed U.S. Occupational Safety and Health Administration standards and requirements.

### **3.7 Boring Requirements**

All concrete driveways and streets shall be bored rather than open cut.

No pavement cuts in newly constructed, reconstructed or resurfaced (greater than one inch) asphalt streets shall be made for 60 months after the completion of the street work. The public service provider may submit written documentation and the Director may grant an exception based on finding that the following criteria have been met:

1. Boring or jacking without disturbing the pavement is not practical due to physical characteristics of the street or alley or other utility conflicts; and
2. Alternative utility alignments that do not involve excavating the street or alley are found to be impracticable; and
3. The proposed excavation cannot reasonably be delayed until the five year deferment period has lapsed; or
4. Emergency service restoration is required and no other timely alternatives are available; or
5. New technology that sufficiently minimizes damage to the pavement structure is available; or
6. A utility line required to be located is located under the pavement.

## **4. CONSTRUCTION REQUIREMENTS**

Once a Right of Way (ROW) construction permit is issued, permittee shall give the Public Works Department a minimum notice of 48 hours prior to commencing work so that a City of El Campo inspector may be assigned.

### **4.1 Notification to the Public**

The following notification procedures apply if it is necessary to close, in whole or in part, a public right-of-way:

1. For any closure of a traffic lane or blocking of a sidewalk or alley lasting one day or less, the person performing the work on behalf of the public service provider shall conspicuously mark their vehicle with the company name and

telephone number.

2. Any closure of a traffic lane or blocking of a sidewalk or alley lasting longer than one day must be identified by a 3 foot by 3 foot sign that is clearly legible to the traveling public. The sign must be posted at or in close proximity to the work site and must contain:

- a. The name of the owner and permittee; and
- b. The name of the person performing the construction on behalf of the public service provider; and
- c. A project manager's contact number.

3. The requirements above are in addition to any signs, barricades, or warning devices required by law or ordinance. The sign information listed above may be included on barricades or warning devices.

4. When permitted construction will last longer than two weeks, the permittee will give written notification to all adjacent property occupants by mail or by conspicuously posting the notification on each adjacent property at least 72 hours before commencement of construction, unless the Director determines that an emergency exists.

#### **4.2 Existing Facility Locates**

Prior to construction, the contractor shall obtain utility locates by utilizing one of the three following numbers:

Texas Excavation Safety System	1-800-344-8377
Texas One Call System	1-800-245-4545
Lone Star Notification Center	1-800-669-8344

#### **4.3 Street Cuts and Excavation**

The permittee and any person responsible for construction shall protect the public right-of-way surface, and all existing facilities and improvements both above and below ground from excavated materials, equipment operations, and other construction activities.

The permittee shall ensure that no excavated material or contamination of any type is allowed to enter or remain in a water or wastewater main or access structure, drainage facility, or natural drainage feature.

The removal of portions of existing pavement, drives, slabs, and sidewalks shall require full depth sawcut by the use of a power driven saw. Where concrete removal is approved by the Director, locations of the removal shown on the plans are indicative only of the need for a sawcut, and where designated locations coincide with or fall within 3 feet of an existing sawed joint, construction joint, or expansion joint, removal shall be to existing joint. Concrete replacement shall be in accordance with the city's Cut and Restore Pavement Detail (Street Standard Specifications).

In the event that it is necessary to place a temporary surface on any cut opening, the temporary surface may be composed of rock flexbase for a period of no longer than 14 days unless otherwise approved by the director.

Temporary surfaces shall be adequately compacted to prevent deterioration of repair during the temporary period. In the event of deterioration, the surface shall be reconstructed with additional flexbase, however, the deadline to permanently repair the trench shall not be extended.

If a pavement cut is to be covered, the permittee shall use steel plates, or equivalent plates, of sufficient strength and thickness to support all traffic. Plates must be sufficiently secured in place so as not to become dislodged or in any way cause a hazard to traffic. Asphalt transitions must be placed as required to provide a smooth riding surface.

Plates must be marked with the name of the person performing the construction and with a local 24 hour contact number that can be used in case of an emergency, unless a sign identifying the contractor is posted at or in close proximity to the work site.

The Director may cause to be removed any temporary surface that fails to provide a non-deteriorating riding surface or fails to meet the requirements of these specifications. The temporary surface shall be replaced at the permittee's expense.

#### **4.4 Installation**

##### Facility Spacing Requirements

1. All facilities installed under pavement shall be buried to a minimum depth of 42 inches under top of pavement for the fully improved ultimate roadway width. This measurement shall be made from the existing or proposed top of pavement, whichever is lower. In the parkway, the facilities shall be buried a minimum of 24 inches. However, conditions may require additional depth due to other constraints or utilities. Upon written request, an exception may be granted by the Director.
2. All facilities that cross existing drainage facilities, sanitary sewer, or water mains shall either be buried under the existing pipes with a two foot minimum vertical clearance at the underside of the existing pipes, or be placed above the existing pipes with a two foot vertical clearance at the top of the existing pipe. In either case, the proposed facility must be 42 inches under top of pavement. The location and elevation of all crossed existing utilities must be potholed prior to installation of new facility.
3. All facilities that cross proposed storm sewer, sanitary sewer or water mains shall have a galvanized steel or PVC (not less than Schedule 40) encasement, or approved equivalent, and have two feet minimum clearance on any side of the proposed pipes. In lieu of the encasement, the conduit may be buried five feet below the proposed pipe.

4. All facilities that run parallel to an existing or proposed drainage facility, sanitary sewer, or water main shall have five feet minimum horizontal clearance from the exterior face of the pipes or manholes. Please note that the elevation of the individual lateral services of these pipes may vary. All conduit must be two feet below all lateral service pipes.

#### Landscape Protection Requirements

1. The proposed facility route shall be designed to minimize damage to trees and/or landscaping.
2. All trees within street medians must be bored 36 inches under the root system. Boring shall begin 24 inches outside of the drip line and exit 24 inches outside the drip line on the other side of the tree. The drip line is an imaginary line that extends from the tree's outer branches and leaves, directly to the ground. Where trees with tap roots are being bored, the bore must be offset a minimum of five feet from the trunk of the tree.
3. Manholes shall be placed outside the drip line of the tree.
4. Should work need to be performed near a tree, a temporary construction fence shall be erected 12 inches outside the drip line of the tree.
5. The permittee shall be responsible for any damage resulting from the permittee's actions to public or private landscaping and sprinkler systems.

#### Trenchless Technology/Boring Requirements

In using trenchless technology or boring, the following requirements shall be met:

1. Prior to construction, all existing public facilities shall be physically located (pot holed) in the field when crossing over or under water lines, sanitary sewer, or storm drains or where the existing facility is running in the same direction and is within 5 feet of the proposed facility, except when existing public facilities are located under the pavement.
2. Construction shall be made in such a manner that will minimize interference with vehicular traffic and shall not weaken or damage the existing street.
3. The location of the boring pits shall be a minimum of three feet from the roadway to prevent undermining of the curb, gutter, or shoulder section, unless otherwise approved by the Director.
4. The pit shall be dug to a depth sufficient to maintain a minimum boring depth of 42 inches below the traffic surface. Jetting types of boring equipment are not allowed.

5. All overcutting shall be remedied by pressure grouting the entire length of the installation.
6. The pits or trenches excavated to facilitate this operation shall be backfilled and compacted immediately after work is completed, or the bore pits or trenches shall be secured adequately to protect the public.
7. The contractor shall be able to locate the bore head at all times in accordance with the latest technologies and provide the location of the bore to the Director upon request.
8. All directional boring shall have the locator place bore marks and depths while the bore is in progress. Locator shall place a mark at each stem with a paint dot and indicate the depth at every other stem.
9. The Director shall require the use of trenchless technology or boring based on the following criteria:
  - a. It is in the best interest of the City; and
  - b. It is technically, commercially, and economically feasible; and
  - c. It is not in violation of federal or state regulations or industry safety standards.

#### **4.5 Backfill**

Unless appropriate measures are taken to protect the public from open trenches or bore pits., backfill of all trenches and bore pits within the right-of-way shall begin immediately following installation of the new facility in accordance with the Standard Street Specifications as adopted and amended in a resolution of the El Campo City Council on August 23, 2017.(Appropriate measures include barricades, construction fencing or steel plates, or alternate protections, as approved by the Director):

#### **4.6 Restoration**

The requirements of this section govern the restoration of public right-of-way surfaces within the City.

A permittee performing construction in the public right-of-way shall restore the public right-of-way to a condition that is equal to or better than the condition prescribed in this manual or other applicable City design and construction standards. Restoration work must be performed to the satisfaction of the Director.

Restoration work to the public right-of-way must include, but is not limited to, the following:

1. Except for native trees along roads with no curb and gutter, trees and shrubs damaged greater than 50% based on formulas set by the Society of Arboriculture shall be mitigated and offset with newly planted trees/shrubs. Mitigation of canopy

trees shall be based upon a one to one caliper ratio, of tree inches lost to tree inches planted. The diameter of an existing tree is measured at 4.5 feet above the soil line of the tree's trunk. Mitigation of ornamental trees and shrubs shall be based upon a one to one height ratio.

2. Where lawns are established, sod shall be used for turf replacement and shall match existing adjacent type. Where lawns are not established, seeding may be used. Ruts shall be removed and the topsoil shall be prepared to provide a smooth surface free of rock and gravel. Irrigation systems shall be repaired to pre-construction condition and extent.

3. Backfilling and compaction of all bore pits, potholes, trenches, or other holes must be performed within 48 hours or with an approved extension by the Public Works Director and provide proper protection in accordance with the requirements of the Occupational Safety and Health Administration shall be provided.

4. All subgrade, streets, sidewalks and alleys shall be restored.

5. All trenches and disturbed areas shall be leveled.

6. Any damaged traffic control devices, including but not limited to, loop detectors, pavement markings, underground conduits and signs shall be restored.

7. All location flags must be removed during the clean up process at the completion of the work.

8. Restoration of special street, sidewalk, or drive approach surfaces must be done so that the restoration reasonably matches the color, texture, and pattern of the surrounding special surfaces.

9. The permittee shall remove any erosion control measures after disturbed soils are adequately stabilized.

Restoration must be made within 30 days to at least the condition which existed prior to the start of construction and to the satisfaction of the Director. If restoration is unsatisfactory or not performed in a timely manner, the Director will notify the permittee to perform the work in an expeditious manner. If no action is taken or not to the satisfaction of the Director, then at the City Manager's discretion further action shall be taken to complete the restoration.

The installation, replacement, repair, or maintenance of any City facility by the permittee shall be subject to inspection and approval by the City. The permittee agrees to cooperate fully with the City in conducting the inspection. Such inspections shall be conducted concurrent with the installation, replacement, repair, or maintenance affecting the City's facilities and a final inspection shall be made within a reasonable time after completion of the project. The permittee shall promptly perform reasonable remedial action required by the City pursuant to such an inspection.

#### **4.7 Exceptions**

The Director must approve any exceptions to these provisions. Failure to construct facilities in accordance with the ordinance may result in correction of the defects by the City, with all restoration and repair performed at the permittee's expense.

**PUBLIC SERVICE PROVIDER REGISTRATION FOR CONSTRUCTION IN  
PUBLIC RIGHTS-OF-WAY**

In order to protect the public health, safety and welfare, all public service providers desiring to use the public rights-of-way shall register with the City's Public Works Department. Registration in accordance with City Ordinance No. 2017-14 shall be in the name of the public service provider who will own the facilities. When any information provided for the registration changes, the public service provider shall inform the City of the change no more than 30 days after the date the change is made.

Compliance with this registration requirement does not grant Applicant the right to construct in the public rights-of-way. Applicant must be either a Certificated Telecommunications Provider under Chapter 283 of the Texas Local Government Code or have a franchise, interlocal or license agreement with the City or a statewide cable franchise or be otherwise authorized by law to construct and maintain facilities in the right-of-way. Applicant must obtain a separate construction permit for specific work to be completed in public rights-of-way.

Public Service Provider Information:

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Business, Assumed, or Trade Names used within past 5 years: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contact Person: \_\_\_\_\_

Address(if different from above): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contact Phone: \_\_\_\_\_

Has applicant been issued a certificate of convenience and necessity, certificate of operating authority or service provider certificate of operating authority by the Texas Public Utility Commission to offer local exchange telephone service? If so, please attach a copy of such certification.

Yes      No

Does Applicant have a franchise, license or other agreement to place facilities within the City of El Campo's right-of-way? If so, please attach a copy of the agreement.

Yes     No

**“I hereby certify or affirm that all information provided is true and correct as of the date of this statement, and I have not knowingly withheld disclosure of any information requested; that I am authorized to submit this form by the public service provider on whose behalf this registration is submitted and that supplemental statements will be promptly submitted to the Public Works Director of the City of El Campo, Texas, as changes occur.”**

Affiant Signature \_\_\_\_\_

Affiant's Printed Name \_\_\_\_\_

Affiant's Title and/or Position \_\_\_\_\_

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared the oath of or through, known to me (or proved to me on(description of identity card or other document)) to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed same for and as the act and deed of thereof, and for the purposes and consideration thereinexpressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Notary Public In and For  
The State of Texas

\_\_\_\_\_  
My Commission Expires

\_\_\_\_\_  
Notary's Printed Name