

June 23, 2000

**County of Galveston
Office of the County Engineer
123 Rosenberg, Suite 4157
Galveston, Texas 77550
(409) 770-5554 (409) 770-5552**

**REQUIREMENTS FOR INSTALLATION OF PIPELINES AND
UTILITIES ALONG OR ACROSS GALVESTON COUNTY ROAD
RIGHT-OF-WAYS IN UNINCORPORATED AREAS.**

1. Common Carriers may exercise their right subject to the Texas Transportation code § 111.002 & § 111.020 (copy enclosed).
2. Pipeline Company will need to submit documentation that shows they are a Common Carrier.
3. Please do the following:
 - a) Fill out and sign the application form (pink form). If the contractor is unknown, please state as such.
 - b) Sign the two permit forms (yellow form) in the space labeled applicant.
 - c) Execute the bond (blue form) in the amount of \$100,000.00. Utility companies do not need bond.
 - d) Return a, b, & c along with a vicinity map and two sets of plans of the proposed pipeline to Galveston County Engineering Department.

enclosures:

1. Application (1 pink form)
2. Permits (2 yellow forms)
3. Bond (1 blue form)
4. Regulations (1)
5. Transportation code § 111.002 & § 111.020 (1)

W:/ENGINEERPERMITS/PIPELINEPERMIT.INST.

RULES, REGULATIONS AND REQUIREMENTS FOR PROPOSED CONSTRUCTION
PROJECTS ON GALVESTON COUNTY PROPERTY.

All permits hereafter granted to place water, sewer, gas or oil lines; conduits or other projects within the rights-of-way or easements of, or crossings of Galveston County roads, ditches, canals, etc., in Galveston County shall be subject to the following:

1. Where pipelines cross roads or drainage ditches, the top of the pipe or conduit shall be placed not less than 36 inches below the bottom of the ditches.
2. Where pipelines or conduits cross under surfaced roads or under surfaced cross roads within the right-of-way, the pipelines or conduits shall be placed by boring. Boring shall extend from crown line to crown line. All lines under highways carrying pressure shall be enclosed in satisfactory casing extending from the right-of-way line to right-of-way line. Gravity flow sewer lines under highways shall be cast iron pipe.
3. Where evidence is presented indicating the impracticability of boring or tunneling, the County Engineer of Galveston County may grant permission to cut the surfacing. In the event a cut is permitted, the following conditions will govern:
 - (a) Backfill material: All backfill material shall be stabilized with Portland Cement and mixed in a concrete mixer or transit mix equipment. If soil is used, it shall be sandy material free from lumps or clods and shall be stabilized with two sacks of cement per cubic yard of soil. If sand and gravel are used, pit run material will be allowed, and it shall be stabilized with one sack of cement per cubic yard. Backfill may be mechanically tamped in a moist condition or water added to provide a free flowing mixture.
 - (b) WHERE PAVEMENT IS FLEXIBLE BASE AND ASPHALT SURFACE--
See Sketch.
 - (c) WHERE PAVEMENT IS CONCRETE OR CONCRETE BASE WITH OTHER SURFACE--See Sketch.
4. Boring shall be done by machinery method only. No water jetting will be permitted nor will use of water in quantity required to wash cuttings from hole be permitted. Grantee agrees to take all necessary steps to protect the traveling public from any danger to traffic which may be caused directly or indirectly by his operations. BY HIS ACCEPTANCE OF THE PERMIT AND EXECUTION OF OPERATIONS PERMITTED THEREBY, GRANTEE ACKNOWLEDGES ASSUMPTION OF ENTIRE RESPONSIBILITY FOR ANY DAMAGE WHICH MAY OCCUR TO GALVESTON COUNTY PROPERTY CAUSED BY

SUCH OPERATIONS AND AGREES TO INDEMNIFY THE COUNTY OF GALVESTON IN FULL FOR SUCH DAMAGES.

5. All excavations within the right-of-way and not under surfacing shall be backfilled by tamping in 6" horizontal layers or by ponding. All surplus material shall be removed from the right-of-way and the excavation finished flush with surrounding natural ground.
6. Where pipe or conduit is layed along a road, it shall be laid preferably near the road right-of-way line, but in any event, as far from the running surface of the road as practicable and in such a manner as not to unduly interfere with traffic on roads, or private access to roads or drainage along any street, alley, highway or road. All backfill shall be thoroughly tamped or otherwise compacted. All road surfaces, road ditches, drainage ditches, private accesses and areas contiguous thereto shall be replaced or cleaned and left in as good a condition as before pipe or conduit was laid.
7. Any later undue maintenance occasioned by the pipeline or conduit construction shall be borne by the grantee of Permit.
8. Whenever said pipe or conduit shall interfere with the improvement of, or widening of, or future construction, or repair of any street, alley, highway, ditch or road, grantees shall lower or remove their pipeline upon Order of the Commissioners' Court of Galveston County, Texas at grantees' expense.
9. Location of pipelines and conduits shall be marked with suitable markers where they cross roads or drainage ditches.
10. All work on the roadway right-of-way shall be performed so as to cause minimum inconvenience to traffic and adjacent property owners.
11. Operations along County roads or highways shall be performed in such a manner that all excavated material and all operating equipment shall be kept off the pavements at all times.
12. Barricades, warning signs and flagmen, when necessary, shall be provided by the contractor or owner.
13. One half of the traveled portion of the road must be open to traffic at all times.
14. IN THE EVENT OF FAILURE OF THE GRANTEE TO COMPLY WITH THE PROVISIONS OF THE PRECEDING PARAGRAPHS, the same may be done by the County of Galveston at the expense of the said grantee and a certificate of the County Engineer as to the amount of such cost and expense shall be conclusive and binding on said grantee.

15. The grantee agrees to indemnify and save harmless Galveston County from any and all loss, damage, cost of expense, or any other things that may be to it occasioned by reason of any act or acts of grantee, or failure of grantee to do or to perform any act or thing required to be done or performed by said grantee in the exercise of the right, power and privilege herein granted and any use of such.
16. An Indemnity Bond (the amount to be set by the Commissioners' Court) shall be made payable to the County Judge of Galveston County and his successors in office with a surety company (authorized to do business in the State of Texas, and such surety company to be approved by the Commissioners' Court of Galveston County, Texas) and the Bond shall be on file with the County prior to commencing any of the work authorized by this Permit.
17. In lieu of the above Bond, the Commissioners' Court may, in its discretion, require the owner to furnish the Court with a signed copy of a Performance Bond executed by a surety company authorized to do business in Texas with an agency or home office in Galveston County, together with a copy of the contract upon which said Bond is written.
18. The County Engineer must be notified at least forty-eight hours prior to starting construction.
19. The County Engineer, at his discretion, will make inspections and/or assign a representative to make inspections, in order to ascertain that all phases of the work are being accomplished under the terms of the Permit.
20. All forms necessary for making Application for a Permit are attached. Additional forms may be secured from the County Engineer.

Upon Motion of Commissioner Vacek, seconded by Commissioner Hopkins and carried; the foregoing "RULES, REGULATIONS AND REQUIREMENTS FOR PROPOSED CONSTRUCTION PROJECTS ON GALVESTON COUNTY PROPERTY" are approved and adopted, effective today, April 22, 1963. The same shall supercede all existing Rules, Regulations and Requirements heretofore passed by the Commissioners' Court.

The above Rules, Regulations and Requirements are recorded in Volume 31, Page 501, of the Commissioners' Court Minutes.

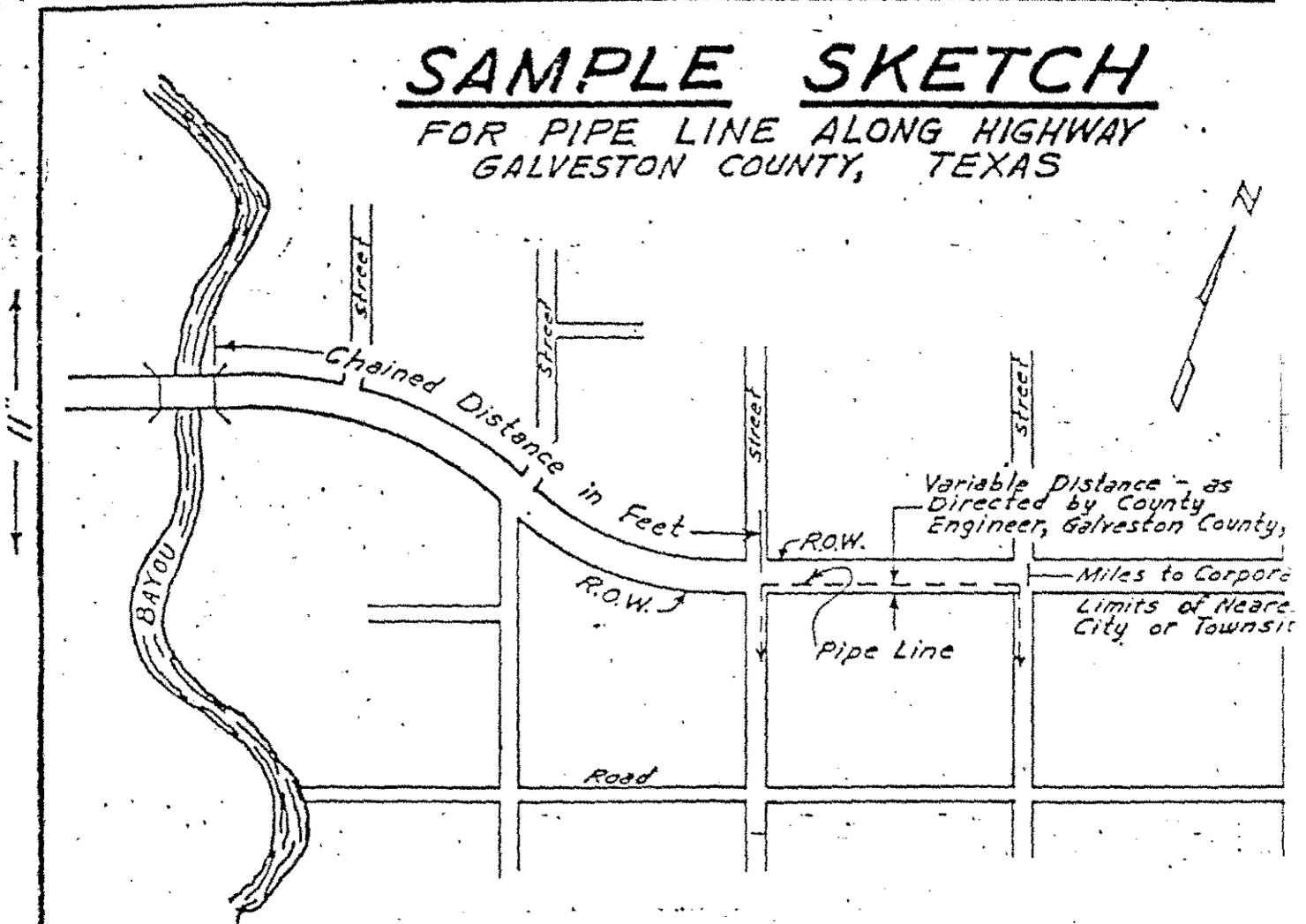
8 1/2"

1" Border

Information Sheet No. 1

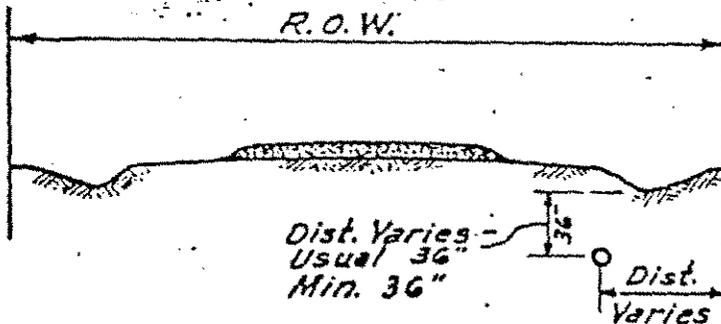
SAMPLE SKETCH

FOR PIPE LINE ALONG HIGHWAY GALVESTON COUNTY, TEXAS



NOTE: Give Chained Distance from Line to End of Bridge, End of Culverts with Headwalls, Center Line of Underpass, or Center-Line of Intersecting Highways.

CROSS SECTION

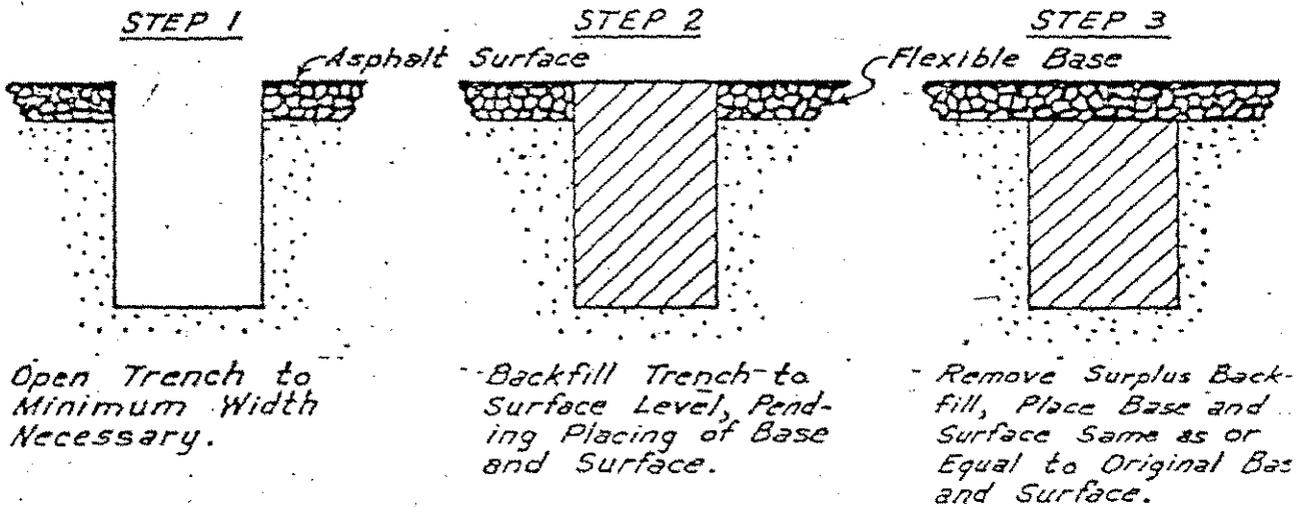


COMPANY DATA

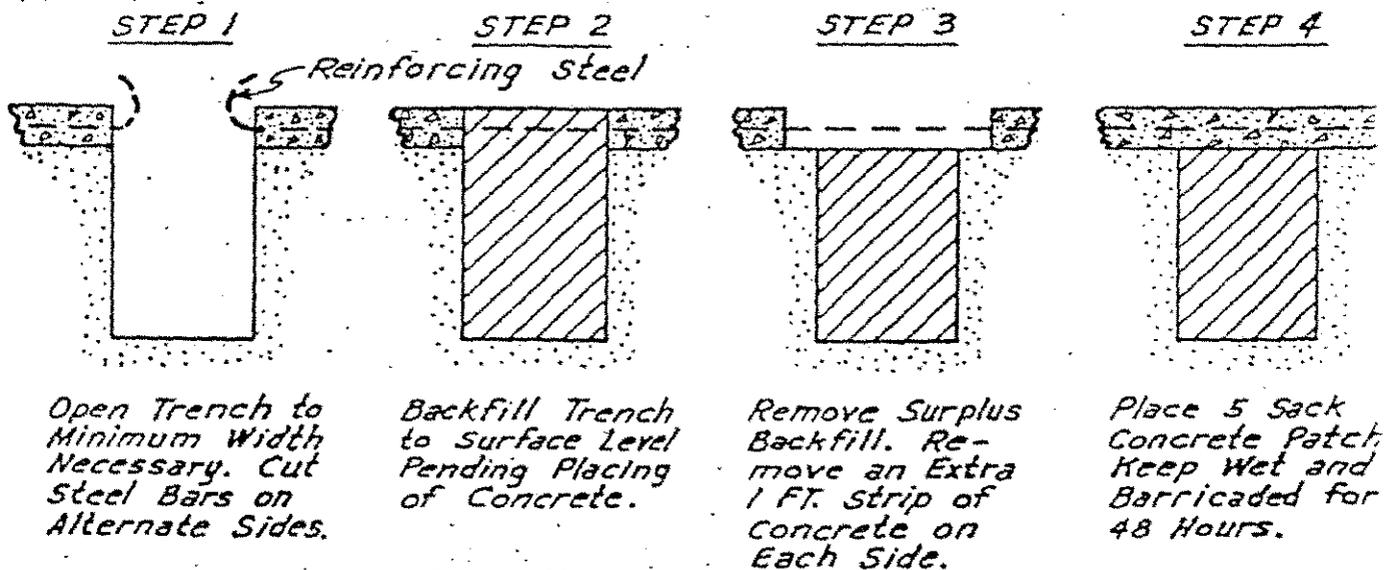
No Scale

Date:

(b) WHERE PAVEMENT IS FLEXIBLE BASE AND ASPHALT SURFACE : (also see Spec. Sheet)



(c) WHERE PAVEMENT IS CONCRETE OR CONCRETE BASE WITH OTHER SURFACE : (also see Spec. Sheet)



CARRIERS, UTILITIES, ETC.
Ch. 111

§ 111.020

Note 1

public stream or highway in this state pipelines, together with telegraph and telephone lines incidental to and designed for use only in connection with the operation of the pipelines.

(b) The right to run a pipeline or telegraph or telephone line along, across, or over a public road or highway may be exercised only on condition that:

(1) it does not interfere with traffic on the road or highway;

(2) the road or highway is promptly restored to its former condition of usefulness;

(3) the restoration of the road or highway is subject also to the supervision of the commissioners court or other proper local authority; and

(4) no pipes or pipelines are laid parallel with and on a public highway closer than 15 feet from the improved section of the highway except with the approval and under the direction of the commissioners court of the county in which the public highway is located.

(c) The common carrier shall compensate the county or road district, respectively, for any damage done to the public road in the exercise of the privileges conferred.

(d) A person may acquire the right conferred in this section by filing with the commission a written acceptance of the provisions of this chapter expressly agreeing that, in consideration of the rights acquired, it becomes a common carrier subject to the duties and obligations conferred or imposed by this chapter.

Acts 1977, 65th Leg., p. 2580, ch. 871, art. I, § 1, eff. Sept. 1, 1977.

Historical and Statutory Notes

Prior Laws:

Acts 1917, 35th Leg., p. 48, ch. 30, § 3.

Acts 1919, 36th Leg., p. 273, ch. 146, § 2.

Vernon's Ann.Civ.St. arts. 6020, 6021, 6022.

Cross References

Corporate rights and powers under this section, see V.A.T.S. Bus.Corp.Act, art. 2.01, § B(3)(b).
Penalty for violation or failure to perform duty, see §§ 111.261 to 111.263.

Library References

Eminent Domain ¶85.

WESTLAW Topic No. 148.

C.J.S. Eminent Domain § 105 et seq.

Notes of Decisions

In general 1
County authority 2
Duties of carrier 3
Injunction 5
Liability for injuries 4

tended. Humble Pipe Line Co. v. State (Civ. App.1928) 2 S.W.2d 1018, error refused.

Grant of express statutory power to public service corporations necessarily implies grant of powers necessary to execute powers expressly granted. Humble Pipe Line Co. v. State (Civ.App.1928) 2 S.W.2d 1018, error refused.

1. In general

Public grant for public advantage must be liberally construed to effectuate purposes in-

Vernon's Ann.Civ.St. art. 6020 (repealed) did not merely authorize enumerated construction

§ 111.0192

OIL AND GAS
Title 3

to condemn water or water rights for use in the transportation of coal by pipeline, and no Texas water from any source shall be used in connection with the transportation, maintenance, or operation of a coal slurry pipeline (except water used for drinking, toilet, bath, or other personal uses at pumping stations or offices) within the State of Texas unless the Texas Water Commission¹ shall determine, after public hearing, that the use will not be detrimental to the water supply of the area from which the water is sought to be extracted.

(b) The right of eminent domain granted under this chapter to any pipeline transporting coal in whatever form shall not include the power to take land or any interest in land, by exercise of the power of eminent domain, for the purpose of drilling for, mining, or producing any oil, gas, geothermal, geothermal/geopressured, lignite, coal, sulphur, uranium, plutonium, or other mineral, but this provision does not impair the right of any such entity to acquire title to real property for pipelines, including cooling ponds and related surface installations and equipment.

Acts 1977, 65th Leg., p. 2694, ch. 871, art. II, § 6, eff. Sept. 1, 1977.

¹ On September 1, 1993, the name of the Texas Water Commission is changed to the Texas Natural Resource Conservation Commission by Acts 1991, 72nd Leg., 1st C.S., ch. 3, § 1.085.

Historical and Statutory Notes

Prior Laws:

Acts 1917, 35th Leg., p. 48, ch. 30, § 1.

Acts 1977, 65th Leg., p. 189, ch. 95, § 1.
Vernon's Ann.Civ.St. art. 6018.

Cross References

Common carrier coal pipelines, see § 111.301 et seq.
Eminent domain procedure, see V.T.C.A. Property Code, § 21.011 et seq.
Penalty for violation or failure to perform duty, see § 111.261.

§ 111.0193. Restoration of Property

Every condemnation award granted under this chapter shall require that the condemnor restore the property which is the subject of the award to its former condition as near as reasonably practicable.

Acts 1977, 65th Leg., p. 2695, ch. 871, art. II, § 7, eff. Sept. 1, 1977.

Historical and Statutory Notes

Prior Laws:

Acts 1917, 35th Leg., p. 48, ch. 30, § 1.

Acts 1977, 65th Leg., p. 189, ch. 95, § 1.
Vernon's Ann.Civ.St. art. 6018.

Cross References

Eminent domain procedure, see V.T.C.A. Property Code, § 21.011 et seq.
Penalty for violation or failure to perform duty, see §§ 111.261 to 111.263.

§ 111.020. Pipeline on Public Stream or Highway

(a) Subject to the provisions of Subsection (b) of this section, all common carriers are entitled to lay, maintain, and operate along, across, or under a

§ 111.002. Common Carriers Under Chapter

A person is a common carrier subject to the provisions of this chapter if it:

(1) owns, operates, or manages a pipeline or any part of a pipeline in the State of Texas for the transportation of crude petroleum to or for the public for hire, or engages in the business of transporting crude petroleum by pipeline;

(2) owns, operates, or manages a pipeline or any part of a pipeline in the State of Texas for the transportation of crude petroleum to or for the public for hire and the pipeline is constructed or maintained on, over, or under a public road or highway, or is an entity in favor of whom the right of eminent domain exists;

(3) owns, operates, or manages a pipeline or any part of a pipeline in the State of Texas for the transportation of crude petroleum to or for the public for hire which is or may be constructed, operated, or maintained across, on, along, over, or under the right-of-way of a railroad, corporation, or other common carrier required by law to transport crude petroleum as a common carrier;

(4) under lease, contract of purchase, agreement to buy or sell, or other agreement or arrangement of any kind, owns, operates, manages, or participates in ownership, operation, or management of a pipeline or part of a pipeline in the State of Texas for the transportation of crude petroleum, bought of others, from an oil field or place of production within this state to any distributing, refining, or marketing center or reshipping point within this state;

(5) owns, operates, or manages, wholly or partially, pipelines for the transportation for hire of coal in whatever form or of any mixture of substances including coal in whatever form; or

(6) owns, operates, or manages, wholly or partially, pipelines for the transportation of carbon dioxide or hydrogen in whatever form to or for the public for hire, but only if such person files with the commission a written acceptance of the provisions of this chapter expressly agreeing that, in consideration of the rights acquired, it becomes a common carrier subject to the duties and obligations conferred or imposed by this chapter.

Acts 1977, 65th Leg., p. 2579, ch. 871, art. I, § 1, eff. Sept. 1, 1977. Amended by Acts 1977, 65th Leg., p. 2692, ch. 871, art. II, § 2, eff. Sept. 1, 1977; Acts 1981, 67th Leg., p. 199, ch. 93, § 1, eff. Aug. 31, 1981; Acts 1991, 72nd Leg., ch. 689, § 1, eff. Sept. 1, 1991.

Historical and Statutory Notes

The 1977 amendment added subd. (5).

The 1981 amendment, in subd. (4) deleted "or" at the end; in subd. (5) added "; or"; and added subd. (6).

The 1991 amendment, in subd. (6), relating to the transportation of carbon dioxide, included hydrogen as a subject of this section.

Prior Laws:

Acts 1917, 35th Leg., p. 48, ch. 30, § 1.

Acts 1977, 65th Leg., p. 189, ch. 95, § 1.

Vernon's Ann.Civ.St. art. 6018.

PERMIT FOR CONSTRUCTION OF PROJECT
ON GALVESTON COUNTY PROPERTY

PERMIT NO. _____

To: _____

Ladies/Gentlemen:

You are hereby granted authority to: _____

Under the terms of your application dated: _____

It is expressly understood that all rights granted herein are permissive and that no right, claim, title or easement is hereby being granted to Applicant in or upon this property. It is further understood that Galveston County may require the Applicant to relocate Applicant's improvements or project in manner satisfactory to Galveston County at Applicant's sole cost and expense, if such improvements or project should ever interfere with the lawful use by Galveston County of its property. If, in the opinion of Galveston County it should become necessary for Applicant to remove or relocate such improvements or project, then the County of Galveston will specify to Applicant the time frame in which such improvements shall be removed or relocated. In the event the Applicant fails or refuses to remove or relocate its improvements or projects as specified by the County, the Applicant hereby agrees that for and in consideration of the granting of this permit the County has the option of either clearing its right-of-way of all of Applicant's improvements or relocating such improvements at the sole cost and expense of Applicant. This permit is granted subject to all existing permits and utilities in place and may be terminated by the County on 30 days notice.

In the event this permit is for temporary use only, it will automatically terminate on the _____ day of _____, 20__.

Applicant joins in the execution of this document to evidence its acceptance of the terms and conditions stated herein.

Applicant's signature

Date

Applicant -- Typed Name

Approved for the Commissioners Court

Mike Fitzgerald
County Engineer

Date

APPLICATION FOR PROPOSED CONSTRUCTION PROJECT
ON GALVESTON COUNTY PROPERTY

DATE: _____

To: The County of Galveston
c/o County Engineers
722 Moody
Galveston, Texas 77550

Application is hereby made that (Owner) _____

and (Contractor) _____

proposes to construct _____

on the following Galveston property: _____

The location and description of the proposed construction is more fully shown by five complete sets of drawings, etc., attached to this application.

It is agreed and understood that all work under this application will conform to the requirements adopted by the Galveston County Commissioners' Court on the 22nd day of April, 1963, and recorded in Book 31, Page 501-510, Commissioners' Court Minutes, and entitled "RULES, REGULATIONS and REQUIREMENTS for PROPOSED CONSTRUCTION PROJECTS ON GALVESTON COUNTY PROPERTY", OR AMENDMENTS thereof, to place water, sewer, gas, or oil lines, conduits or other projects within the rights-of-way or easement of or crossing of Galveston County Roads, ditches, canals, etc., in Galveston County, Texas

It is desired that construction will begin on the day _____ of _____ 20____.
No construction will begin until after Permit is issued and Surety Bond is made. The County Engineer will be notified 48 hours prior to start of work

OWNER: _____

CONTRACTOR: _____

BY: _____

BY: _____

TITLE: _____

TITLE: _____

ADDRESS: _____

ADDRESS: _____

PHONE #: _____

PHONE #: _____

NOTE: ANY FURTHER ADJUSTMENTS THAT ARE REQUIRED BY GALVESTON COUNTY WILL BE AT THE OWNER'S EXPENSE.

PERMIT BOND

KNOW ALL MEN BY THESE PRESENTS, that we, _____

as PRINCIPAL, and _____

_____ as SURETY (authorized to do business in the State of Texas) are held and firmly bound unto THE COUNTY OF GALVESTON, TEXAS, hereinafter called the COUNTY, in the penal sum of _____ dollars, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

THE CONDITIONS OF THIS OBLIGATION IS SUCH, that whereas the principal has requested a permit by the County of Galveston, Texas, by application dated _____ 20____, for:

NOW THEREFORE, if the principal shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of said permit and governing regulations during the original term of said permit and any extensions thereof that may be granted by the County, with or without notice to the surety, and shall also well and truly perform and fulfill all the undertakings, covenants, terms, conditions and agreements of any and all duly authorized modifications of said permit that may hereafter be made, notice of which modifications to the surety being hereby waived, then, this obligation to be void; otherwise to remain in full force and virtue.

IN WITNESS WHEREOF, the above-bounded parties have executed this instrument this _____ day of _____, 20____, the name of each being hereto affixed and duly signed by its undersigned representative, pursuant to authority of its governing body.

PRINCIPAL: _____ SURETY: _____

BY: _____ By: _____

TITLE: _____ TITLE: _____

