

**Application for Utility Construction in  
Jackson County, Texas**

1. Submit completed application (and petition if required) and payment to Jackson County Precinct Commissioner (if required).
2. The public's use of the road for travel shall be of primary importance. No crossing or line, using material of any type, shall ever be laid or maintained by the Applicant in such manner as to interfere with the construction, maintenance, or repair of roads or the public's use of the road for travel. If any material or line laid by the Applicant in any manner interferes with the construction, maintenance, or repair of any existing road, or travel thereon, because of the depth at which same has been laid, or for any other reason, the Applicant, upon request of the Commissioners Court, shall promptly change or alter, at Applicant's sole expense, such materials or lines, in such manner so that the same will no longer interfere. No crossing or line shall be laid to interfere with the traffic, present and future water drainage, or in such manner as to constitute a danger or hazard, or to become a nuisance of any kind to anyone using any road, or to anyone living in the vicinity thereof. Any rights granted by approval of this Application shall be subordinate to the public's use of the road.
3. It is expressly understood that Jackson County (hereinafter "County") does not purport, hereby, to grant any right, claim, title, or easement in or upon a County road and it is further understood that should the County, for any reason at the sole discretion of the County, determine a need to work on, improve, relocate, widen, increase, add to, or in any manner change the structure of a right of way, the line, if affected, will be moved and relocated at the complete expense of the Applicant, or owner of the line, if not the Applicant, to a location designated by the County.
4. Applicant acknowledges that prior to the submission of the Application, Applicant, or the owner of the line, if not the Applicant, has ascertained the location of all existing utilities, both aerial and underground, and the submission of this Application is prima facie evidence that the proposed installation will not conflict with any existing utility or other line.
5. All work on the County right of way shall not damage any part of the road way. If any damage does occur, Applicant, or owner of the line, if not the Applicant, is responsible for all expenses related to the repair of the road.

# Permit Application for Utility Installation in County Right of Way or Easement

## Section 1: Applicant Information

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

## Section 2: Contractor Information

Company: \_\_\_\_\_  
Contact: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

## Section 3: Installation Proposal (Location, Type, and Timeline)

A. Location of Installation (if applicable, length of installation in feet): \_\_\_\_\_

B. GPS Location: Latitude \_\_\_\_\_ Longitude \_\_\_\_\_

C. Dig Tess (\*811) Confirmation Number: \_\_\_\_\_

D. Type of installation: \_\_\_\_\_

Yes No

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Petrochemical or other hydrocarbon pipelines                            |
| <input type="checkbox"/> | <input type="checkbox"/> | Does this pipeline fall under the Texas Railroad Commission (flowlines) |
| <input type="checkbox"/> | <input type="checkbox"/> | Will the line transport salt brine?                                     |
| <input type="checkbox"/> | <input type="checkbox"/> | Overhead cable  |
| <input type="checkbox"/> | <input type="checkbox"/> | Underground   |
|                          | <input type="checkbox"/> | High pressure (60 psi or greater)                                       |
|                          | <input type="checkbox"/> | Low pressure (less than 60 psi)   |
| <input type="checkbox"/> | <input type="checkbox"/> | Temporary Water Line  |
| <input type="checkbox"/> | <input type="checkbox"/> | Other: _____  |

E. Proposed length of installation activities: \_\_\_\_\_ (calendar days/working days)

Proposed start date: \_\_\_\_\_ Completion date: \_\_\_\_\_

*Applicant will commence actual construction/work in good faith within sixty (60) days from the date this application is approved by the Jackson County Commissioners Court. If such construction/work is not begun by the sixtieth (60<sup>th</sup>) day, Applicant will be required to apply and pay for a new permit.*

**Section 4: Submittal Checklist**

- Completed Application
- Drawings/Plans – Attach the drawings of the type of work, location, a Traffic Control Plan (in accordance with the Texas Manual on Uniform Traffic Control Devices) and description of the proposed line shown. The material specifications, minimum yield strength, and maximum operation pressure must be described on the attached drawings.
- Check Payment

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

## **Section 5: Rules and Guidance**

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### **A Pre-Construction Responsibilities**

1. If the Application is approved, the Applicant will assume all risks and hazards incidental to its use of the County's right of way under this Application and hold harmless, indemnify, and defend Jackson County, its officers, employees, and agents from any and all claims, suits, or actions arising out of the Applicant's performance under this Application.
2. The Applicant shall provide within five (5) business days of approval of this application, proof of insurance for and maintain, at the Applicant's sole cost and expense, the following insurance coverage: (a) Industrial/Workers' Compensation Insurance protecting Applicant and the County from potential employee claims based upon job-related sickness, injury, or accident during performance of this Proposal; and (b) Comprehensive General Liability (including, without limitation, bodily injury and property damage) insurance with respect to Applicant's agents and vehicles assigned to perform the services described by this Application with policy limits of not less than \$1,000,000 combined single limit occurrence and \$2,000,000 in the aggregate. Jackson County shall be named as an additional insurance party and such notation shall appear on the certificate of insurance furnished by Applicant's insurance carrier.

3. The Applicant shall secure all other necessary permits, licenses, or approvals before starting work. Applicant will make the appropriate notification to Texas One Call/811 Service, in advance of the commencement of any work arising from this Application.
4. Approval of this Application is permissive, is subject to the public right of travel on and access to the right of way.
5. All residents or businesses affected by any scheduled maintenance causing road closure, or interruption of any utility service shall be notified forty-eight hours prior to any work. Emergency situations are exempt.
6. The Precinct Commissioner is to be notified two (2) business days prior to the beginning of any work. Failure to notify prior to the beginning of any work will constitute grounds for job shutdown and/or fines as defined in Section D.

**B. During Construction Responsibilities**

1. Signs and traffic controls shall comply with the current edition of the Manual on Uniform Traffic Control Devices, as approved by the Texas Department of Transportation. When necessary, flagmen shall be provided by Applicant.
2. Restoration of the right of way is required and shall be completed by the Applicant within ten (10) business days of the completed work within the right of way, unless otherwise approved by the Precinct Commissioner.
3. The cost of any repairs to road surface, roadbed, structures or other right of way features as a result of this installation will be borne by the owner of the line. Any costs to repair or replace the line will be borne by the owner of the line.
4. Where turf is disturbed by excavation or by backfilling operations, such areas shall be replaced by mulch sodding on all slopes of 2% or less. All slopes over 2% shall be replaced by block sodding.
5. All underground communication lines are to be installed a minimum of 36 inches below flow line of the adjacent drainage or borrow ditch. All other lines are to be installed at a minimum of 48 inches below flow line of the adjacent drainage or borrow ditch.
6. All buried lines carrying an electrical current, or electronic or optical signal shall have yellow plastic tape at least two (2) inches in width, buried a minimum of twelve (12) inches above such lines.
7. Lines crossing under improved roads shall be placed by boring. Where right of ways widths will permit, boring shall extend for a minimum distance of ten (10) feet on either side of the pavement. Bore pits shall be located a minimum of ten (10) feet away from the edge of the roadway. Overcutting in excess of one (1) inch shall be remedied by pressure grouting the entire length of the installation.
8. In the event, where Applicant presents sufficient evidence illustrating the impracticability of boring, the Commissioners Court may grant permission, on a case by case basis, to cut the surface of the road. In the event a cut is permitted, the work shall be conducted pursuant to the specifications of the County's road policies and the following:
  - a. All backfilling of dirt or caliche, within the width of the roadway, shall be done at optimum moisture, in 6" lifts and compacted sufficiently to obtain 95% Modified Standard Proctor

density. Density tests from a reliable testing laboratory shall be furnished as required. Applicant is responsible for the costs of these tests.

- 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 Commissioners Court and base material shall be batched and mixed (with transit mix equipment) with two (2) sacks of cement per cubic yard of mix, and shall have a maximum of six (6) inches.
  - c. All cuts, backfill, base replacement and resurfacing are to be performed in a neat and craftsman like manner and shall conform to all directions of the Precinct Commissioner.
9. All excavations within the right of way and not under the road shall be backfilled by ordinary compaction with moisture added by placing the material in six (6) inch layers. If the location of excavated materials is at least five (5) feet outside the boundaries of the shoulder of the road, the material in six (6) inch layers. If the location of excavated materials is at least five (5) feet outside the boundaries of the shoulder of the road, the material may be replaced by backfilling in one (1) foot layers, and the material must have moisture added to secure normal density.
  10. Any temporary backfill and the permanent patch on any roadway surface shall be placed and maintained at an elevation equal to the original grade of the roadway.
  11. All lines under roads shall be enclosed in satisfactory casing underneath the right of way with vents installed at each end. Pipe used for casing may be any type approved by the Precinct Commissioner and shall be capable of resisting rupture, supporting the roadbed and traffic loads, and road construction, and shall be constructed such that there is no leakage through the casing, carrier pipe, joints or couplings.<sup>1</sup>
  12. Overhead lines will have a minimum clearance of eighteen (18) feet above the road surface at point of crossing.
  13. No lines are to be installed under or within fifty (50) feet of either end of a bridge. No lines shall be placed in a culvert or within ten (10) feet of the closest point of same.
  14. Parallel lines will be installed within two (2) feet of the right of way, unless otherwise approved by the Precinct Commissioner, and no parallel line will be installed in the roadbed or between the drainage ditch and roadbed, unless otherwise approved by the Precinct Commissioner.
  15. Right of way surfaces shall be cleaned before the end of each day's work. All catch basins, culverts or other improvements affected by any deposits of dirt, mud, rock, debris, or other material shall be cleaned daily or as specified by the County.
  16. Any poles or pedestals necessary to underground cable installation within the County's right of way shall be placed with 18" of the nearer right of way line.

#### C. Post Construction Responsibilities

1. **Final Inspection:** All Applications must have a final inspection once work is complete. Please call the Precinct Commissioner to schedule a final inspection.

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<sup>1</sup> Attorney General WW-1090 (July 12, 1961) – The Commissioners Court is authorized to require a pipeline company to encase and vent the portion of the pipeline that crosses under an existing roadway at the company's cost.

2. In the event Applicant’s proposal is not approved prior to the installation of a line or Applicant does not install the line in compliance with the requirements established in this Application, Applicant, or owner of the line, if not the Applicant, assumes all financial responsibility for damages and/or destruction of lines, cables, etc. based upon its failure to comply with Jackson County requirements.
3. This is a revocable Application. Jackson County reserves the right to revoke approval of the Application at any time, in the sole discretion of Jackson County, for interests of public health, safety or welfare, or for failure to repair any damages upon demand, or for any reason deemed sufficient by Jackson County.

D. Fines for Non-Compliant Installation

1. Fines will be assessed for non-compliant installations as follows:

<b>Type of Installation</b>	<b>Crossings</b>
Non-commercial (boring)	\$750
Commercial (boring)	\$450
Political entities	\$150

2. The Commissioners Court can hear non-compliance issues and order fines for non-compliance.