

**HUDSPETH COUNTY REGULATIONS CONCERNING THE  
INSTALLATION AND ADJUSTMENT OF UTILITY LINES ON  
HUDSPETH COUNTY ROADS AND RIGHTS-OF-WAY**

**ADOPTED BY HUDSPETH COUNTY COMMISSIONERS' COURT ON  
AUGUST 22, 2023, VOLUME   1  , PAGE   1  .**

**Establishment of Regulations**

1. These rules are adopted by the Commissioners' Court of Hudspeth County, Texas, acting in its capacity as the governing body of the County and pursuant to the authority provided by the Texas Local Government Code, Transportation Code, and Utility Code.
2. The purpose of these rules is to protect public safety, maintain the quality of county roads and streets, and better coordinate the placement of utility facilities along and across county roads and streets in a manner that does not inconvenience the public in the use of these roads and streets. Hudspeth County may designate the location in the right-of-way where a utility may place its utility facilities. Under the statutory and common law of this State, no utility may locate a utility facility or equipment in a manner that would inconvenience the public's use of a road, including interference with the County's maintenance.
3. The adoption of these rules shall not create any liability on the part of Hudspeth County, or on any officer or employee thereof, for any damages that are alleged to result from reliance on these rules or any administrative decision made hereunder.
4. These rules govern matters concerning the installation and adjustment of utility lines on Hudspeth County roads and rights-of-way. To the extent that a federal or state law, code, regulation, rule, or order prescribes a higher degree of protection for county roads and rights-of-way or the traveling public than the protections provided by these rules, the federal or state provision controls.
5. These rules shall supersede and replace all previous regulations or requirements, if any, of Hudspeth County, Texas concerning the installation or adjustment of utility lines.
6. **Accommodation of Large Communication Equipment Housings on County Road Right-of-Way:** (a) Above ground, non-pole mounted communication appurtenances that are significantly larger in plain view than single poles may be placed on county road rights-of-way if the following stipulations are met:
  - a. The installation will not significantly hinder county road maintenance operations;
  - b. consideration of the height of the supporting slab above ground line has been taken into account;
  - c. The housing will be placed at or near the right-of-way line; and
  - d. The installation will not reduce visibility and sight distance of the traveling public nor will create an unsafe condition. (This will be a particular item of consideration where such housings are proposed for placement at or near county road intersections).

**HUDSPETH COUNTY UTILITY LINE CROSSING  
ACCOMMODATION REGULATIONS**

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## **1. AUTHORITY**

(a) These rules are adopted by the Commissioners Court of Hudspeth County, Texas pursuant to the Texas Local Government Code, Texas Transportation Code, Texas Water Code, Texas Utility Code, and other local, state and federal laws, where applicable.

## **2. DEFINITIONS**

The following words and terms shall have the following meanings, unless the context clearly indicates otherwise.

(a) American Association of State Highway and Transportation Officials (AASHTO) - An association of state highway and transportation officials.

(b) Applicant – A person, firm, corporation, property owner, utility owner, and/or their authorized representatives or agents who is seeking a permit pursuant to these rules.

(c) Common carrier - As defined in the Texas Natural Resources Code, Section 111.002.

(d) County road or roadway – a public road or roadway under the control and maintenance of Hudspeth County.

(e) Design vehicle load (HS-20) - A design load designation used for bridge design analysis representing a three-axle truck loaded with four tons on the front axle and 16 tons on each of the other two axles. The HS-20 designation is one of many established by AASHTO for use in the structural design and analysis of bridges.

(f) High-pressure pipeline – A pipeline that is operated, or may reasonably be expected to operate in the future, at a pressure of over 60 pounds per square inch.

(g) Low- pressure pipeline – A pipeline that is operated, or may reasonably be expected to operate in the future, at a pressure not exceeding 60 pounds per square inch.

(h) Pavement structure - The combination of the surface, base course, sub-base, and a minimum eight inches of sub-grade material, which supports the traffic load and distributes it to the roadbed.

(i) Private utility – A person, firm, corporation, or other entity engaged in a utility business other than a public utility or saltwater pipeline operator. The term includes an individual who owns a service line.

(j) Public utility – A person, firm, corporation, river authority, municipality, or political subdivision that is engaged in the business of transporting or distributing a utility product that directly or indirectly serves the public and that is authorized by state law to operate, construct, and maintain its facilities, over, under, across, on, or along highways. The term includes a common carrier and a gas corporation. The term also includes providers of broadband service.

(k) Roadway - The portion of a road that is improved, designed, or ordinarily used for vehicular traffic.

(l) Texas Manual on Uniform Traffic Control Devices (TMUTCD) - The most recent edition, including any additions or corrections, of the Texas Manual on Uniform Traffic Control Devices for Streets and Highways.

(m) Utility – Any entity owning a utility facility.

(n) Utilities - All utility lines, pipelines, saltwater pipelines, conduits, cables, and their appurtenances within the highway right of way except those for highway-oriented needs, including underground, surface, or overhead facilities either singularly or in combination, which may be transmission, distribution, services, or gathering lines.

(o) Utility appurtenances – Any attachment or integral parts of a utility facility, including fire hydrants, valves, communication controller boxes and pedestals, electric boxes, and gas regulators, etc.)

(p) Utility facilities – All utility lines, pipelines, saltwater pipelines, conduits, cables, and their appurtenances within the highway right of way except those for highway-oriented needs, including underground, surface, or overhead facilities either singularly or in combination, which may be transmission, distribution, service, or gathering lines.

(q) Utility product – The product, such as water, saltwater, steam, electricity, gas, oil, crude resources, communications, cable television, or waste disposal services, or broadband service, carried by the utility facility.

### **3. JURISDICTION**

(a) The Hudspeth County Commissioners Court has jurisdiction over the regulation, accommodation, method, and location for the installation, adjustment, and maintenance of utility facilities within the rights-of-way of roads, streets, and drainage channels in Hudspeth County, Texas.

### **4. PURPOSE**

(a) These rules prescribe the minimum requirements relative to the accommodation, method, and location for the installation, adjustment, and maintenance of utility facilities, including privately owned facilities, within the County rights-of-way on the County road system and drainage channels where the County holds a drainage easement.

(b) These rules are provided in the interest of safety and protection, utilization, and future development of roads and drainage channels with due consideration given to public service afforded by adequate and economical utility installations.

### **5. SCOPE**

(a) These rules shall govern on matters concerning accommodation, location, and methods for the installation, adjustment, relocation, and maintenance of utilities on County rights-of-way and drainage easements under the jurisdiction of Hudspeth County. Where industry or governmental codes, orders, or laws require utilities to provide a higher degree of protection than provided herein, the higher degree of protection shall prevail. This includes, but is not limited to, the compliance with the Federal Clean Water Act, the Federal Endangered Species Act, and the Federal Historic Preservation Act.

### **6. EXCEPTIONS**

(a) Requests for exceptions will be considered where it is shown that extreme hardship and/or unusual conditions provide justification and where alternate measures can be prescribed in keeping with the intent of this policy. All requests for such exceptions shall be fully documented with design data, cost comparisons, and other information that may be pertinent.

## **7. AUTHORITY OF UTILITIES**

(a) Under existing state laws, certain public utilities have a right to install their lines along and/or across county road right-of-way. This includes those utilities, which are authorized by the laws of this State to transport and/or distribute natural gas, water, electric power, telephone (including cable television), and salt water; and those which are authorized to construct and operate common carrier petroleum and petroleum product lines.

(b) If properly requested, these rules will allow for the approval of private utility lines on County road rights-of-way. However utility facilities will not be permitted longitudinally on County road rights-of-way. This includes, but is not limited to, privately-owned utility lines from gas or oil wells, lines owned by oil companies within refinery and oil storage complexes, by firms which are engaged in businesses other than those described in subsection (a) of this section, and domestic lines owned by individuals.

## **8. APPLICABILITY**

(a) For roads and drainage channels under the jurisdiction of Hudspeth County, the provisions of these rules concerning utility accommodation shall apply to:

1. New utility facility installations;
2. additions to existing utility facility installations; and
3. adjustments or relocations of utility facilities incident to roadway construction.

(b) Various types of utility facilities not specifically covered herein shall be considered within the provisions of these rules concerning utility accommodation in accordance with the nature of the line. It shall be general practice to consider all lines carrying caustic, flammable, or explosive materials under the provisions for high-pressure gas and liquid fuel lines.

## **9. UTILITY INSTALLATION PERMIT REQUEST FORM**

(a) Prior notice and approval by the Hudspeth County Commissioners Court is required for the proposed installation, adjustment, or maintenance of utility facilities. No work shall be done until a permit request has been approved. There is a \$5,000.00 penalty fee for installing, adjusting, or maintaining a utility facility without first obtaining the proper permit(s).

(b) A request for a permit shall be provided by submitting a Utility Installation Permit Request (Form 1000) to the County Judge's Office. (The form is attached and marked as "Appendix A" at the end of this policy).

(c) The Utility Permit Request Form must be accompanied by:

1. A map or plat of the area of the County in which the utility facility is to be located; and
2. diagrams sufficiently detailed to show the exact location of the utility facility in relation to the various roadway features such as edge of pavement, right-of-way lines, depth of buried line, height above the pavement, etc.

(d) No work is to be performed within the right-of-way until Texas 8-1-1 has been notified and all other utility lines in work zone have been identified, marked and/or cleared. Upon receiving the Texas 8-1-1 confirmation number, it should be submitted to the Hudspeth County Judge or his or her designated representative at least 48 hours prior to beginning the proposed work.

(e) A copy of the approved Utility Installation Permit Request form, as well as all attachments, must be kept on the jobsite at all times.

(f) Except as noted, a Utility Installation Permit Request form is not required from public utility companies when service connections are installed to a location, which is immediately adjacent to the connection point. However, service connections are to be installed in accordance with the requirements contained herein. A Utility Installation Permit Request form shall be required where a service connection involves the installation of a line either over or under the traveled portion of the right-of-way.

(g) Emergency repairs to protect life and property can be made without the submission of a Utility Installation Permit Request form. However, as soon as practical, notification should be given to the Hudspeth County Judge's Office by means of telephone (915-369-2321) or e-mail ([countyapplications@co.hudspeth.tex.us](mailto:countyapplications@co.hudspeth.tex.us)). The notification should include the name of the company, the location and type of work, when work began, duration of repair, and the name and telephone number of a contact person.

## 10. FEES AND PAYMENT

(a) Except as noted, the proper fee shall accompany the Utility Installation Permit Request form. For a schedule of fees, please see Appendix B below. Hudspeth County may change or update the schedule of fees so please contact Hudspeth County for the most up-to-date schedule of fees.

(b) After the required review, payments must be made through the Hudspeth County Treasurer's Office located at 109 Millican in Sierra Blanca, TX 79851, (phone no. 915-369-3511).

(c) Utilities that are owned by governmental entities are exempt from the payment of a fee otherwise imposed by this section.

(d) All permit and related fees are non-refundable.

## 11. INDEMNIFICATION

**(a) The Applicant, to the fullest extent of the law, agrees to release, defend, indemnify, and hold Hudspeth County harmless from and against any liability, loss, cause of action, penalty, fine, cost (including, but not limited to, attorneys' fees), claim, or strict liability claim arising out of or in any way incident to the work or services performed by Applicant or its contractors or the employees of either, on account of personal injuries, death, damage to property, or damage to the environment, regardless of whether such harm is to Applicant, Hudspeth County, the employees or officers of either, or any other person or entity, but excluding injury/death/damage to the extent caused by the negligence of Hudspeth County. Applicant's duties under this paragraph shall survive the termination, revocation, or expiration of this grant. The owner agrees to indemnify and save harmless Hudspeth County, its agents and employees from all suits, actions or claims and from all liability and damages for any and all injuries or damages sustained by any person or property in consequence of any neglect in the installation, operation or maintenance of the utility facility.**

## 12. SEVERABILITY

(a) If any provisions, section, subsection, sentence, clause or phrase of these rules, or the application of same to any person, firm, limited partnership, joint stock association, or corporation, or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this order or their application to other persons, firm, limited partnerships, joint stock associations, or corporations, or set of circumstances shall not be affected thereby, it being the intent of the Commissioners' Court of Hudspeth County, Texas, in ordering the above regulations and provisions that no portion hereof or provision or regulations contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation, and to this end, all provisions of this order are declared to be separable.

### **13. LOCATION**

(a) Utility facilities shall be located to avoid or minimize the need for adjustment for future road improvements, to allow other utilities equal access in the right of way, and to permit access to the utility facilities for their maintenance with minimum interference to traffic.

(b) The location of utility facilities shall not adversely affect the safety, design, construction, operation, maintenance, or stability of the roadway.

(c) Longitudinal installations, if allowed, shall be located on uniform alignments, as near as practicable to the right-of-way line, to provide space for future roadway construction and/or utility facility installations.

(d) New utility facilities crossing the road, to the extent feasible and practicable, should be located at approximately 90 degrees to the centerline of the roadway.

(e) It shall be the utility company's responsibility to determine the location of right-of-way lines, other utilities, and roadway appurtenances.

(f) The County may require the relocation of an existing utility line to facilitate maintenance or construction of the road or drainage channel. The utility company will be given a minimum of thirty (30) days written notice to relocate. The cost associated with the relocation will be borne entirely by the utility company.

### **14. DESIGN**

(a) The design of any utility installation will be the responsibility of the utility company and shall be accomplished in a manner and to a standard acceptable to Hudspeth County. The location and manner in which a utility facility installation, adjustment, or relocation work will be performed within the right of way must be reviewed and approved by the County Judge, the County's Engineer, or an authorized County representative. The design must include measures to be taken to preserve the safety and free flow of traffic, structural integrity of County roads, highways, and roadway and highway structures, ease of roadway, highway, and drainage channel maintenance, appearance of the roadway and highway, and the integrity of the utility facility. Utility facility installations shall conform with:

1. The requirements of these rules and regulations;
2. the National Electric Safety Code rules for the installation and maintenance of electrical supply and communication lines;
3. Title 23, Code of Federal Regulations, Part 645, Utilities;
4. Title 49, Code of Federal Regulations, Part 192, Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards;

5. Title 49, Code of Federal Regulations, Part 195, Transportation of Hazardous Liquids by Pipeline;
6. Title 49, Code of Federal Regulations, Part 196, Protection of Underground Pipelines from Excavation Activity;
7. the latest American Society for Testing and Materials (ASTM) specifications;
8. the latest edition of the Texas Manual on Uniform Traffic Control Devices;
9. 30 TAC Chapter 217, Design Criteria for Domestic Wastewater Systems;
10. 30 TAC §§ 290.38-290.47 (relating to Rules and Regulations for Public Water Systems);
11. 43 TAC Chapter 21, Right of Way, Subchapter C, Utility Accommodation;
12. applicable state and federal environmental regulations, including storm water pollution prevention, endangered species, and wetlands;
13. applicable Railroad Commission of Texas and Texas Commission on Environmental Quality safety regulations;
14. applicable Texas Department of Transportation Traffic Control Standards;
15. applicable Texas Department of Transportation Standard Specifications for Construction, Maintenance of Highway Streets and Bridges;
16. ASCE Guidelines 38-02, Standard Guidelines for the Collection and Depiction of Existing Subsurface Utility Data;
17. Broadband Accommodation Process, found in the TxDOT Right of Way Utilities Manual, Appendix B; and
18. the latest edition of the Rules and Regulations for Public Water Systems, published by the Texas Department of Health, Water Hygiene Division.

(b) All utility facility installations should be of durable materials designed for long life expectancy and relatively free from the need for routine servicing or maintenance. In addition to the requirements herein, any existing utility facilities to remain in place must be of satisfactory design and condition in the opinion of Hudspeth County.

(c) Special precautions should be taken during all utility facility installations to avoid disturbing existing drainage courses. In addition, soil erosion should be held to a minimum and sediment from the construction site should be kept away from the roadway and drainage channels.

(d) Underground utility facility installations should be backfilled with pervious material and outlets provided for entrapped water. Underdrains shall be provided where necessary. No jetting or puddling will be permitted.

(e) Clearances.

1. Except as specified herein, there shall be a minimum of 12 inches vertical and horizontal clearance between a new utility facility and an existing utility facility, unless a greater clearance is required by Hudspeth County.
2. Clearances between underground utility facility installations and storm sewers shall be a minimum of 12 inches if the installation can take place without disturbing the storm sewer installation. Otherwise, the minimum clearance will be 24 inches.

(f) On new utility facility installations, or adjustment of existing utility facilities, provision for known or planned expansion of the utility facilities may be made, all at the sole expense of the utility firm. Any such expansion should be planned so as to minimize hazards and interference with traffic.

(g) Manholes.

1. Manholes may not be installed unless necessary for installation and maintenance of underground lines. In no case shall a manhole be placed or permitted to remain in the pavement or shoulder of a roadway. However, on noncontrolled access roadways in urban areas, Hudspeth County may, in its discretion, allow existing lines to remain in place or be installed under traffic lanes of low volume roadways only if measures are taken to minimize the installations and to avoid locating them at intersections on in wheel paths.
2. To conserve space, a manhole's dimensions must be the minimum acceptable by appropriate engineering and safety standards. In general, the only equipment to be installed in manholes located on road right-of-way is that which is essential to the normal flow of the utility, such as circuit reclosures, cable splices, relays, valves, and regulators. Other equipment such as substation equipment, large transformers, pumps, etc., should be located outside the limits of the road right-of-way. All manhole covers shall be installed flush with the ground and/or pavement surface, whichever is applicable. All underground utilities within the road right-of-way, including manhole rings and covers, must be designed for HS-20 loading.

(h) Where it is necessary for utility lines to cross drainage easements, outside of road right-of-ways, the same minimum depth of cover shall be maintained as required for crossing ditches inside of the road right-of-way. In cases where soil conditions are such that erosion might occur or where it is not feasible to obtain specified depth, it shall be the responsibility of the utility owner to install retards, encasement, or concrete slabs over the line, or take such other measures as needed for safety and to protect the channel and the line.

(i) Where lines approved through cattle guard crossings, they will be cleared of any sediment before installation.

## **15. SAFETY OF THE TRAVELING PUBLIC**

(a) Appropriate signs, markings and barricades shall be placed by the utility company prior to the beginning of construction operations and shall be properly maintained throughout the installation. All traffic control devices shall conform to the Texas Manual on Uniform Traffic Control Devices for Streets and Highways.

## **16. SITE CLEAN-UP**

(a) Roadways adjacent to utility construction sites shall be kept free from debris, construction material, and mud. At the end of every construction day, construction equipment and materials shall be removed as far from the roadway edges as feasible. Adequate provisions shall be made to provide for drainage of the roadway ditches during construction operations. Where underground utilities are to be installed, the work shall be prosecuted so as to minimize the time between opening of trenches and backfilling. When utility installation is complete, the right-of-way shall be reshaped to its original condition and the area reseeded or resodded to reduce erosion. Should settlement or erosion occur within six months after utility installation, the utility company shall reshape, reseed, or re-sod the area as necessary.

## **17. UNDERGROUND UTILITIES - GENERAL**

(a) Method of protection. In general, underground utility line crossings of roadways shall be encased in the interest of safety, protection of the utility, protection of the roadway, and for access to the utility. Encasement shall be as specified for each type of line discussed herein.

Casing shall consist of a pipe or other separate structure around and outside the carrier line and shall be designed to support the load of the roadway and superimposed loads thereon, including that of construction machinery. The strength of the casing shall equal or exceed structural requirements for drainage culverts and it shall be composed of materials of satisfactory durability under conditions to which it may be subjected.

(b) Manholes. Manholes should be straight, on line installations with a minimum overall width necessary to operate and maintain the enclosed equipment.

(c) Location.

1. The depth of underground lines shall be as specified herein for each type of utility. Where placement at such depths is impractical or where usual conditions exist, the utility company may submit for approval other protection as may be appropriate in lieu of the depth of bury required for the particular utility line.
2. Longitudinal pipelines are to be placed as far away from the improved section of the roadway unless otherwise approved.

(d) Methods of installation.

1. Lines placed under any existing unpaved roadway shall be installed by boring, trenching or tunneling unless otherwise approved.
2. Lines placed under any existing paved roadway shall be bored unless otherwise approved beneath all travel lanes plus five feet or as approved.
3. All traffic control devices used to warn motorists of the construction activity must conform to the TXMUTCD.
4. Where circumstances necessitate the excavation of a bore pit closer to the edge of pavement than set forth in this section, a guard fence or other approved protective devices will be installed for the protection of the traveling public. Bore pits shall be located and constructed in such a manner as not to interfere with safe roadside clearance or traffic operations; If necessary, shoring shall be utilized.
5. Where trenching in the right-of-way is permitted, backfill shall be compacted to densities equal to that of the surrounding soil. Where trenches are allowed to cross a roadway or driveway the backfill shall consist of wet compaction at 4" lifts.

(e) Unsuitable conditions. Conditions that are generally unsuitable or undesirable for pipeline crossings should be avoided. These include locations such as deep cuts; near footings or bridges or retaining walls; across road intersections; at cross drains; and in wet or rock terrain where minimum depth of cover would be difficult to obtain.

(f) Clearances. Vertical and horizontal clearances between a pipeline and a structure or other roadway or utility facility should be sufficient to permit maintenance of the pipeline and the other facilities.

## **18. HIGH-PRESSURE GAS AND LIQUID PETROLEUM LINES**

(a) Depth of cover.

1. For encased high-pressure gas or liquid petroleum lines, the minimum depth of cover for casing pipe shall be 36 inches.
2. For un-encased high-pressure gas or liquid petroleum lines, the minimum depth of cover shall be 60 inches under the pavement surface. Under ditches, the minimum depth of cover shall be 48 inches. Exceptions may be authorized to permit a reduction in the specified depths of cover where the pipeline is protected by a reinforced concrete slab. As used herein, depth of lines is the depth to top of carrier (if un-encased) or casing (if required).

(b) Crossings

1. Where encasement is to be utilized, the encasement shall be provided from top of back slope to top of back slope for cut sections (or five feet beyond the toe of slope for fill sections, or face of curb) of all roadways including side streets, and five feet beyond any structure where the line passes under it.
2. Where encasement is not used, the welded steel carrier pipe shall provide sufficient strength to withstand the internal design pressure and the dead and live loads of the pavement structure and traffic.

(c) Additional protective measures should include:

1. Heavier wall thickness and/or higher factor of safety in design;
2. adequate coating and wrapping;
3. cathodic protection; and
4. Other measures as required by Title 49, Code of Federal Regulations, Part 192 or Part 195.

(d) Existing lines may be permitted to remain in place without encasement or extension of encasement if they are protected by a reinforced concrete slab or equivalent protection, or if they are located at a depth of five feet under the pavement surface and not less than four feet under the roadway ditch. If a reinforced concrete slab is to be used, it should meet the following standards:

1. Width - three times the diameter of the pipe or five-foot minimum, whichever is greater;
2. Thickness - six-inch minimum;
3. Reinforcement - #4 bars at twelve-inch centers each way or equivalent wire mesh; and
4. Cover - the cushion between the bottom of slab and top of pipe shall be no less than six inches.

(e) Vents. One or more vents shall be provided for each casing or series of casings. On shorter casings, a vent should be located at the high end with a marker placed at the low end. Vents shall be placed at the right-of-way line immediately above the pipeline, situated so as not to interfere with roadway maintenance or concealed by vegetation. Ownership of the line shall be shown on the vents.

(f) Markers. The utility company shall place a readily identifiable and suitable marker at each right-of-way line where it is crossed by any high-pressure gas or liquid petroleum line except where marked by a vent. Readily identifiable and suitable markers shall be placed at the right-of-way line for lines installed longitudinally within the right-of-way.

(g) Above-ground appurtenances, except vents, shall not be permitted within the right-of-way.

## **19. LOW-PRESSURE GAS LINES**

(a) Depth of cover. For low-pressure gas lines, the minimum depth of cover is required within the right-of-way and under roadway ditches, but outside the pavement structure, including longitudinal portions, depth of cover shall be thirty-six (36") inches for either encased or un-encased installations. Exceptions may be authorized to permit existing lines to remain in place with a reduction of six (6") inches in the above-specified depth. All lines normally shall be a minimum of thirty-six (36") inches or one-half the diameter of the pipe, whichever is greater, beneath the bottom of the pavement structure.

(b) Encasement. Low-pressure gas lines shall be encased as required for high pressure gas and liquid petroleum lines or they may be placed without encasement if they are of welded steel construction and are protected from corrosion by adequate and approved cathodic protective measures, with a specific agreement that the pavement will not be cut for repairs to the pipeline at any time in the future.

(c) Vents. Vents shall be installed as provided for in the requirements for High pressure Gas and Liquid Petroleum Lines.

(d) Markers. Markers shall be installed as provided for in the requirements for High-Pressure Gas and Liquid Petroleum Lines.

(e) Plastic lines. Plastic lines may be used, provided the internal pressure will not exceed 60 psi, that they are encased from right-of-way line to right-of-way line on crossings, and have at least thirty-six (36") inches of cover. The maximum size of plastic lines for crossings shall not exceed twenty-four (24") inches. The maximum size of plastic lines placed longitudinally shall not exceed six (6") inches. Where plastic pipe is installed longitudinally a durable metal wire or other means shall be concurrently installed for detection purposes.

(f) Above-ground appurtenances. Above-ground appurtenances, except vents, shall not be permitted within the right-of-way.

## **20. WATER LINES**

(a) Depth of cover. The depth of cover for water lines shall be the same as stipulated for low-pressure gas lines.

(b) Encasement. Encasement shall be provided from center of ditch to center of ditch for cut sections, (or five (5') feet behind toe of slope for fill sections or face of curb) of all roadways. Encasement under side road entrances may be omitted in consideration of traffic volume and condition of roadway. Encasement under low volume roadways may be omitted on existing water lines having an inside diameter of twenty four (24") inches or more and on new lines having an inside diameter of thirty inches (30") inches or more, provided all other requirements are met. (C) Plastic lines. Plastic lines may be used provided they have at least thirty six (36") inches of cover for both crossing and longitudinal segments. Crossings shall be encased in accordance with the requirements of High-Pressure and Liquid Petroleum Lines.

(d) Nonmetallic pipe detection. Where nonmetallic pipe is installed longitudinally, a durable metal wire or other means shall be concurrently installed for detection purposes.

(e) Exceptions to location requirements. Same as stipulated for low-pressure gas lines.

(f) Markers. The utility company shall place a readily identifiable and suitable marker at each right-of-way line where it is crossed by a water line.

(g) Above-ground appurtenances. Above-ground appurtenances shall not be permitted within the right-of-way.

## **21. TEMPORARY POLY-PIPE WATER LINE**

Definition(s):

"Temporary Poly-Pipe Line" means an above ground poly-pipe line 4" or less in diameter on the County right-of-way for a time period of six (6) months or less.

Any Poly-Pipe Line larger than 4" in diameter on a County right-of-way will not qualify as a Temporary Poly-Pipe Line. No permits will be granted under this section for poly-pipe greater than 4" in diameter.

(a) A permit shall be obtained to lay poly-pipe line in the County's right-of-ways. The line shall be placed off the county roadway a sufficient distance to allow for the unobstructed travel down the roadway.

(b) A permit application must state what substance is to be transported through the poly-pipe line.

(c) A permit application must state how the line will be marked and/or tagged in order for the County to easily identify to whom the poly-pipe belongs and each poly-pipe that is laid in the County rights-of-way will contain the markings and/or tags exactly as stated on the application.

(d) The cost of laying a temporary poly-pipe line in the County's right-of-way is \$14 per rod for six months. At the expiration of six months, if the line has not been removed from County's right-of-way, then the permit must be renewed at the current cost per rod for an additional six (6) months;

(e) The permit is for a period of six (6) months. The fees will not be prorated and it is agreed that once the fees are paid for use of the County's right-of-way, they will not be reimbursed.

**WARNING: PLACEMENT OF A POLY-PIPE LINE ON THE TRAVELED PORTION OF A COUNTY ROAD SHALL CONSTITUTE OBSTRUCTION OF A COUNTY ROAD IN VIOLATION OF STATE LAW AND MAY RESULT IN CRIMINAL PROSECUTION AND/OR ADDITIONAL FINES IN THE SUM OF \$100 PER ROD PER DAY.**

## **22. SANITARY SEWER LINES**

(a) Depth of cover. The depth of cover for sanitary sewer lines shall be the same as stipulated for low-pressure gas lines.

(b) Encasement. Lines to be operated under pressure and those composed of materials not conforming to material or depth of cover requirements herein shall be encased as prescribed for water lines.

(c) Materials. New and relocated sewer lines crossing high-traffic roadways shall be ductile iron, with satisfactory joints, of materials and designs which will provide equal or better protection of the integrity of the roadway and resistance to damage from sulfide gases and other corrosive elements to which they may be exposed. New and relocated longitudinal lines and those crossing low traffic roadways may be of any

material which has been proven to be of satisfactory strength and durability in local use, provided all other requirements are met.

(d) Non-metallic pipe. Where non-metallic pipe is installed longitudinally a durable metal wire of other means shall be concurrently installed for detection purposes.

(e) Manholes. Manholes should be the minimum overall width necessary to operate and maintain the sewer system.

(f) Exception for existing lines in urban area. Except where relocation is necessary to clear existing sewer lines from structures or other roadway appurtenances or for other specific reasons, existing lines in urban areas may remain in place at any location, provided the line is of satisfactory quality and depth, manholes are adjusted in conformance with general requirements herein, and provisions are made to assure that future service lines installations will not disturb the roadway.

### **23. OVERHEAD POWER AND COMMUNICATION LINES**

(a) Vertical clearance. The minimum vertical clearance above the roadway shall be no less than twenty (20½) feet for power lines. This clearance may be greater, if required by the National Electric Safety Code and/or governing laws.

(b) Location. In rural areas and at uncurbed sections in urban areas, poles supporting longitudinal lines shall be located from one to three (1-3') feet from the right-of-way edge. Guy wires placed within the right-of-way shall be held to a minimum and should normally be in line with the pole line. At curbed sections in urban areas, poles shall be located as far as practical behind the outer curbs and preferably adjacent to the right-of-way line. Steel poles with bases greater than thirty six (36") inches in diameter shall not be placed within the right-of-way, except in extreme hardship situations and if sufficient space remains for other utilities.

### **24. UNDERGROUND POWER LINES**

(a) Longitudinal placement. All underground power lines placed within the right-of-way may be directly buried as follows:

#### **VOLTAGE MINIMUM-DEPTH OF BURIAL**

22,000 or less volts- 30 inches

22,001 to 40,000 volts- 36 inches

40,001 or greater volts- 42 inches

(b) Crossings. Power lines shall be encased (placed in conduit) and buried a minimum of thirty six (36") inches under roadway ditches, and sixty (60") inches below the pavement surface.

(c) Encasement. Encasement shall be provided from top of back slope to top of back slope for cut sections (or five (5') feet beyond the toe of slope for fill sections, or face of curb) of all roadways including side streets and beneath and five feet beyond any structure where the line passes under it. Existing lines under low volume roads may be permitted to remain in place without encasement or extension of encasement if they are protected by a reinforced concrete slab or equivalent protection or if they are located at a depth of six (6') feet under the pavement surface and not less than four (4') feet under the roadway ditch. If a reinforced concrete slab is to be used, it should meet the following standards:

1. Width - five (5' foot minimum;
2. Thickness - six (6") inch minimum;
3. Reinforcement - #4 bars at twelve (12") inch centers each way or equivalent wire mesh.
4. Cover - the cushion between the bottom of slab and top of cable shall not be less than six (6") inches.

(d) Markers. Readily identifiable and suitable markers in sufficient number shall be placed at the right-of-way line for lines installed longitudinally within the right-of-way. Where an underground power line crosses the right-of-way a marker shall be placed at each right-of-way line.

(e) Location. Longitudinal underground power lines may be placed by plowing or open trench method and shall be located as set forth in the Location section of this order.

(f) Above-ground appurtenances. Above-ground utility appurtenances installed as part of an underground power line shall be located at or near the right-of-way line.

(g) Manholes. Requirements for manholes shall be the same as set forth in the design section of these rules.

## **25. UNDERGROUND COMMUNICATION LINES**

(a) Longitudinal placement. The minimum depth of cover for cable television and copper cable communication lines shall be thirty-six (36") inches. The minimum depth of cover for a fiber optic line shall be forty-two (42") inches; provided, however, that said minimum depth of cover may be thirty-six (36") inches if the owner/operator of a fiber optic line waives damages and fully indemnifies the County in a form acceptable to the County.

(b) Crossings. Lines should be located at right angles to the roadway to the extent feasible and practicable. Reasonable latitude may be exercised as regards the crossing angle of existing lines which are otherwise qualified to remain in place.

1. The minimum depth of cover for cable television and copper cable communication lines shall be thirty-six (36") inches under the flow line of ditches.
2. Lines crossing roadways are not required to be encased, except where such encasement is necessary for the protection of the roadway facility.
3. When the installation of the line is to be accomplished by boring a hole the same or approximately the same diameter as the line and pulling it through, then encasement is not necessary. Where such conditions cannot be met, encasement should be provided. The annular void between the drilled hole and the line or casing should be filled with a satisfactory material to prevent settlement of any part of the roadway facility over the line or casing.
4. Encasement may be of metallic or nonmetallic material. Such encasement material shall be designed to support the load of the roadway and superimposed loads thereon, including that of construction machinery. The strength of the encasement material shall equal or exceed structural requirements for drainage culverts and shall be composed of materials of satisfactory durability under conditions to which it may be subjected. The length of any encasement shall be provided from top of back slope to top of back slope for cut sections, or five feet beyond the toe of slop for fill sections, or face of curb of all roadways, including side streets.

(c) Markers. Readily identifiable and suitable markers in sufficient number shall be placed at the right-of-way line for lines installed longitudinally within the right-of-way. Where an underground communication line crosses the right-of-way, a marker shall be placed at each right-of-way line. Where fiber optic lines are installed without a metal sheath or metal casing, a durable metal wire or other means shall be concurrently installed for detection purposes.

(d) Placement. Lines may be placed by plowing or open trench method and shall be located on uniform alignment as near as practical to the right-of-way line. Distance from the right-of-way line will depend upon the terrain and other utility lines.

(e) Above-ground pedestals. Above-ground pedestals or other utility appurtenances installed as part of an underground communication line shall be located at or near the right-of-way line.

(f) Manholes. Requirements for manholes shall be the same as set forth in the Design section of this policy.

## **26. VIOLATIONS**

(a) In addition to law enforcement agencies, the Hudspeth County shall be charged with the enforcement of these rules.

(b) If any person/entity violates any provision of these rules or fails to submit a permit request prior to beginning their construction or installation, the County Judge or his designee is authorized to remove any construction built and/or property installed in a County right-of-way at the owner's expense and/or shall submit that person/entity to the Commissioner's Court for further action to be taken. Such action taken includes, but is not limited to, the denial of the future use of the County's right-of-way by said person/entity and/or a penalty fee of up to \$5,000.00 to be set by the Commissioner's Court at their discretion and not in accordance with the fee established for those who seek prior approval.

## **27. POLICY SUBJECT TO CHANGE WITHOUT NOTICE**

(a) Notwithstanding anything in these rules to the contrary, all of these rules and regulations, including the applicable permit fees and penalty fees, are subject to change at any time without notice. Requests for crossings of any kind can and will be made based on the particular circumstances of the request. Requests for longitudinal lines will be determined on a case-by-case basis.

## **APPENDIX**

Appendix A - Utility Installation Permit Request Form 1000

Appendix B - Fee Schedule

### **Instructions for Utility Permit Request**

**Basic Information:** Find attached a Utility Permit Request for the installation and adjustment of utility lines on Hudspeth County roads and rights-of-way.

Contact the County Judge so the proposed installation/adjustment can be discussed and to determine/confirm amount of the permit fee(s). After the judge has been contacted, the area surveyed and the fee amount confirmed, the application needs to be signed, in the presence of a notary, and then submitted to the Hudspeth County Commissioners Court for approval.

**The fully executed Utility Permit Request and check for fees must be received in the office of the County Judge BEFORE the request can be placed on the agenda.**

**Representation at Commissioners Court Meeting:** A representative should accompany the application to the meeting in the event the court has questions unless previous arrangements have been made with the individual County Judge.

**Plat:** The crossing location must be surveyed, and a plat must be provided for each crossing. Provide the plat and survey with the fully executed permit request.

**Fee:** A fee is required for each installation/adjustment. Additional fees may be required. Fees can be paid and application/permit will be filed with the Hudspeth County Clerk. **Make checks payable to: HUDSPETH COUNTY, TEXAS.**

**Penalty Fee:** There is a penalty fee for installing or adjusting a utility line across a Hudspeth County roadway without first obtaining a permit.

**90-Day Term:** The application and permit expire 90 days after they are submitted and issued.

**Requirements for Diagram:** A Utility Permit Request must be accompanied by a diagram showing the following information:

1. the location of right-of-way lines;
2. main lanes;
3. identification of the proposed location of the utility facility installation with GPS coordinates, farm/ranch road name, and readily identifiable and permanent landmarks, such as the junction of state highways, river crossings, or any other identifying information;
4. limits of encasement; and
5. any other pertinent data, which shows exactly what will be done on, under, or around county right-of-way.

All diagrams submitted are required to be on a sheet of paper at least 8 1/2" × 11" in size but should be large enough to show all necessary details clearly. It is recommended that utility installations in rural areas be described on a separate vicinity map or plat, which references the location of the installation. A cross-section diagram is required of all underground installations showing limits of

encasement, if applicable, and depth of burial, if the proposed installation crosses the County right-of-way.

**Utility Permit Request**

**This Utility Permit Request Must Be Completely Filled OUT AND IS VALID FOR 180 DAYS.**

**Applicant Information**

- 1. Applicant Full Name: \_\_\_\_\_
- 2. Contact Full Name: \_\_\_\_\_ Phone: \_\_\_\_\_
- 3. Mailing Address: \_\_\_\_\_ City/St \_\_\_\_\_ Zip \_\_\_\_\_
- 4. Cell No: \_\_\_\_\_ Fax No: \_\_\_\_\_
- 5. E-mail Address: \_\_\_\_\_

**Location of Property**

- 1. Full Address: \_\_\_\_\_
- 2. GPS Location: Lat \_\_\_\_\_ Long \_\_\_\_\_
- 3. Property Identification No. \_\_\_\_\_
- 4. Landmark/Intersection \_\_\_\_\_ Distance \_\_\_\_\_ Direction \_\_\_\_\_

**Construction Type**

- Overhead Cable  Underground Cable
- High-Pressure Underground (60 psi or Greater)
- Low-Pressure Underground (Less than 60 psi)
- Temporary Water line  Other \_\_\_\_\_

**Texas 8-1-1 Confirmation Number** \_\_\_\_\_

**Utility to Cross Road**

<b><u>Road Name</u></b>	<b><u>Cross Street &amp; Distance to</u></b>	<b><u>Length/Height</u></b>	<b><u>Type of Construction (Bored, Open Trench)</u></b>

**Utility to Parallel County Road within Right-of Way**

<b><u>Road Name</u></b>	<b><u>Cross Street &amp; Distance to</u></b>	<b><u>Length/Height</u></b>	<b><u>Type of Construction (Bored, Open Trench)</u></b>

- Type of Permit (Commercial, Residential) \_\_\_\_\_
- Type of Pipe (Steel, Aluminum, Concrete, Poly, etc.) \_\_\_\_\_
- Pipe Size \_\_\_\_\_
- Casing Size \_\_\_\_\_
- Wall Thickness \_\_\_\_\_
- Anticipated Working Pressure \_\_\_\_\_
- Type of Material or Substance to be Carried, (i.e., oil, natural gas, potable water, non-potable water, produced water, etc.) \_\_\_\_\_

The undersigned Applicant will enter upon Hudspeth County land with full knowledge and understanding of the following:

1. Applicant will construct and maintain the line on the roadway right-of-way as shown on the attached drawing and in accordance with the regulations and policies set forth herein. Upon request by Hudspeth County at any time, Applicant will submit to Hudspeth County proof of compliance with all governing laws, rules, and regulations before commencement of construction. Plans shall include the design, proposed location, vertical elevations, and horizontal alignments of the facility. A complete set of diagrams will be attached to this Utility Permit Installation Request. Best Management Practices will be used to minimize erosion and sedimentation resulting from the proposed installation. All lines will be tagged/marked for proper identification. If the lines are "Temporary," all lines shall be removed from the Hudspeth County right-of-way within 15 days from the completion of the project. At the end of the sixth-month period, an application must be resubmitted along with the fees required at the time of the making of the application to maintain the temporary line in the County's right-of-way. However, if an application is not resubmitted at the end of the sixth-month period, it is understood that Applicant will be charged a fine of \$50.00 per rod per day beginning the day after the six-month period ends until all lines are removed. Applicant will also ensure the use of proper Traffic Control in all work zones for the

duration of the installation, complying with the provisions for design, use, and application set forth in the Texas Manual on Uniform Traffic Control Devices.

2. Applicant understands and agrees that Hudspeth County does not purport hereby to grant any right, claim, title or easement in or upon roadway right-of-way. Hudspeth County may require Applicant to relocate the line, subject to the provision of governing laws, by giving Applicant at least thirty (30) days written notice.
3. Applicant's installation shall not damage any part of the roadway structure or associated appurtenances, and Applicant agrees to make adequate provisions to cause minimum inconvenience to the traveling public and adjacent property owners Applicant will not open-cut driveways or intersecting roadways without specific written permission from the owner. Applicant understands that Hudspeth County may place additional provisions and requirements as listed below, based upon, but not limited to, the type of utility being installed, local site conditions, soil types and traffic.
4. Applicant understands that Applicant assumes all risks associated with all installations within the Hudspeth County right-of-way. These risks include injuries to our workers, damage to utility lines that may be in the area and injuries, or damage resulting from our failure to properly install and maintain the line. If the character, use, or function of Applicant's installation is materially changed from that approved under this Request, Applicant will notify Hudspeth County within thirty (30) days after the change.
5. Texas 8-1-1 will be notified with ample time as to confirm the location of all existing utilities within the proposed work area. When Applicant makes the mandatory notification call to a Hudspeth County representative forty-eight (48) hours prior to beginning the project, Applicant shall submit the Dig Tess confirmation number to said Hudspeth Co. representative. If installation of the utility line is not begun prior to the 91st calendar day from the date of issuance, Applicant acknowledges that, unless otherwise extended, Hudspeth County's approval of this Request will automatically expire, and Applicant will be required to resubmit its Request.
6. **Applicant, to the fullest extent of the law, agrees to release, defend, indemnify, and hold Hudspeth County harmless from and against any liability, loss, cause of action, penalty, fine, cost (including, but not limited to, attorneys' fees), claim, or strict liability claim arising out of or in any way incident to the work or services performed by Applicant or its contractors or the employees of either, on account of personal injuries, death, damage to property, or damage to the environment, regardless of whether such harm is to Applicant, Hudspeth County, the employees or officers of either, or any other person or entity, but excluding injury/death/damage to the extent caused by the negligence of Hudspeth County. Applicant's duties under this paragraph shall survive the termination, revocation, or expiration of this grant.**
7. All Permit applications must be paid in full before approval of the Permit can be granted. After the application is reviewed for completeness, payment will be made through the County Treasurer's office located at 109 Millican, Sierra Blanca, TX 79851, phone No. 915-369-3511, by check or money order made payable to the Hudspeth County Treasurer's office. A copy of the application is required when remitting payment.

The undersigned Applicant/Requestor, certifies as follows: "I certify that I am authorized to represent the requestor, that I agree to the provisions and requirements included in this Utility Permit Request, and our commencement of construction will further attest to our review and acceptance of said additional policies, provisions and requirements."

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant/Requestor Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Hudspeth Co. Road & Bridge Administrator/ Representative

\_\_\_\_\_  
Date of Issuance

\_\_\_\_\_  
Hudspeth Co. Road & Bridge Representative

Permit Fee: \$500.00 + Total Rods: \_\_\_\_\_ = Amount Due: \_\_\_\_\_

\_\_\_\_\_  
Date Application Submitted/Fee Paid

**APPENDIX B - - - FEE SCHEDULE**

Application Fee.....	\$500.00
Engineering Review Fee.....	\$200.00/Hourly Engineering Fee
Amendment of Permit.....	\$250.00
Each 6-Month Permit Extension.....	\$250.00
Overhead Power or Communication Lines .....	\$50.00/crossing
Longitudinal Lines .....	\$0.05/Linear Foot (min. \$50.00)
Underground Power or Communication Lines, Pipelines .....	\$150.00 Residential, \$500.00/Commercial
Temporary Water Lines, Aluminum or Poly-Pipe.....	\$500.00/crossing \$14.00/rod (Longitudinal)

**PENALTY**

Penalty Fee For Installation Without a Permit.....	\$5,000.00
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**Note:** Where the utility installation involves both crossings and longitudinal placement, the fee will be determined by adding the fee for each crossing plus the fee for longitudinal placement.

**Reminder:** The Hudspeth County Judge or an authorized designee shall be notified forty-eight (48) hours prior to the beginning of construction. During this notification, the Texas 8-1-1 confirmation number shall be disclosed to the Hudspeth County Judge or the designee.