

**RIGHT-OF-WAY PIPELINE CONSTRUCTION PERMIT
AND REGISTRATION
CITY OF MONT BELVIEU, TEXAS**

1) Complete application with all information requested and add attachments as necessary. An incomplete application or one without appropriate attachments will be returned without comment.

When you apply for a permit, allow sufficient time for postal delivery, processing, and for publication (15 days prior to public hearing and serving of notice as required prior to scheduling review by City Officials/Building Inspector, and/or City Engineer.)

NOTE TO ALL APPLICANTS: *It is the Applicant's responsibility to obtain a current copy of the Code of Ordinances, Chapter 19, entitled "Industrial Permitting" and Ordinance 2000-003 regarding Construction within the City of Mont Belvieu, and/or other related material prior to completing and submitting any application.*

2) Permits are subject to Attachment "A" City of Mont Belvieu Ordinance No. 2000-003 entitled "Streets, Sidewalks, and Other Public Places," Article I, entitled, "Public Street Right-of-Way Management," providing certain regulations and provisions relating to the use of Right-of-Way by those authorized under state or local law.

3) Provide the name and address of the applicant's representative who has knowledge of this application and can be contacted during regular business hours.

4) Multiple names can be provided on attachment, and the Applicant may designate a successor representative if the persons designated herein are not available or for any reason whatsoever.

PRIOR TO SUBMITTAL OF APPLICATION:

- a. Provide copy of signage placed at the site.
- b. Provide a copy of each letter/notice provided to owners of real property affected by this application for permit (i.e., such as those located within 400 feet of the {load bearing wall}/boundaries of the proposed site of the well, pipeline, or activity), showing the addresses shown on the last approved City tax roll as prepared by Chambers County Appraisal District, or such other address as is actually known by the applicant
- c. Copy of the green Return Receipt Requested postal cards sent to all landowners providing notice of the application and the public hearing date.
- d. Certificate of Insurance, as required by Chapter 19, Industrial Permitting.
- e. Scale Drawings as required by Chapter 19, and/or Ordinance 2000-003.

- f. Provide all necessary backup documentation, maps, scale drawings, clearly indicating the location of the proposed project within the City of Mont Belvieu whereby the city may map all new pipelines (final as-builts in autocad).
- g. Any other information applicant deems proper to clarify the application process.

NOTE: If the City Secretary does not receive copies of letters or notices and/or evidence that property owners have been notified, the application cannot proceed to Public Hearing and will not move forward until such copies are provided.

The City Secretary will set the Public Hearing date after considering the time requirements for submittal of the application for Pipeline/Construction Permit; considering requirements for posting notice, and completion of review by the City Engineer and Klotz Associates.

It is essential that a meeting to discuss submittal be scheduled to coordinate the date for the Public Hearing and posting of signs, as required by Chapter 19.

- h. Applicant shall publish Notice of Public Hearing in a local newspaper of general circulation at least fifteen (15) days before the public hearing on the application and provide a copy/proof of publication to the City Secretary.
- i. Note: **All of the requirements for submittal must be met prior to placing an item on the City Council agenda for consideration.**

The City Secretary may be contacted by calling: (281) 576-2213 extension 224.
Fax: 281-385-0121 or by e-mail: kschweinle@montbelvieu.net.

PLEASE PROVIDE DATA TO BE INCLUDED ON PERMIT:

Permit to be issued to: _____
(Company)

Contact at Company: _____

Contact Telephone Number: (_____) _____

OWNER: _____

Owner Telephone Number: (_____) _____

Agent's Name: _____

Telephone Number: (_____) _____

Emergency Contact Name _____

Emergency Contact No. (_____) _____

Project Description: _____

City Secretary's Office

Date Received: _____

Copy to Oil/Gas Official and date provided: _____

Applicant Fee received: Yes No Check No. _____

DATE APPROVED BY CITY OFFICIAL: _____

(Signature)

Title: _____
APPLICATION FORM:

NAME OF APPLICANT, who shall hereinafter be referred to as **"APPLICANT"**:

OWNER:

FULL CORPORATE AND/OR BUSINESS NAME AND ADDRESS OF APPLICANT. IF THE APPLICANT IS NOT THE OWNER, ALSO PROVIDE THE SAME INFORMATION FOR THE OWNER:

Name: _____

Address: _____

City/State/Zip Code: _____

Telephone: Area Code (_____) _____

Contact Person: _____

Title: _____

Telephone: Area Code (_____) _____

PIPELINE SPECIFICATIONS AND DATA:

State purpose/general description of the pipeline: _____

State commodity/commodities to be transported: _____

State pipe specifications: _____

Pipeline dimensions – size: _____ OD _____ ID

Wt per ft _____ Meets DOT specifications _____ Yes _____ No _____

Maximum test pressure: _____

Operating pressure: _____

Shut-off valve Location(s):

Attach any correspondence between Klotz Associates and the company regarding shutoff valve location.

Operations/evacuation per DOT regulations:

Furnish information: _____

Depth of pipeline at each area which there is a deviation of one (1) foot or more from a thirty-six (36") depth:

Proposed date construction will commence: _____

Estimated date of completion of project: _____

Describe permits or authorities that are required by other regulatory agencies for this project on an attachment marked "attachment."

Have all such regulatory authorities or permits been obtained?

Yes _____ No _____

(If not, please describe in detail on attachment {"1"} when such permits or authorities are expected to be obtained. The City of Mont Belvieu cannot issue any permits or authorities required under the Code of Ordinances of the City of Mont Belvieu or permit construction work to commence or continue until all other permits and authorities have been obtained and are in force and effect.

Have all property owners over which the pipeline will cross and/or travel been notified of the proposed pipeline?

Yes _____ No _____

Have all property owners over which the pipeline will cross and/or travel granted access over and/or through their property by easement or by other means?

Yes _____ No _____

AGENT:

Name: _____

Address: _____

City/State/Zip Code: _____

Telephone: Area Code (_____) _____

Contact Person: _____

Title: _____

Telephone: **Area Code** (_____) _____

IS CONTRACTOR OR OWNER AN UNINCORPORATED ENTITY?

YES

NO

IF THE CONTRACTOR OR OWNER IS AN UNINCORPORATED ENTITY, FURNISH THE FULL NAME AND ADDRESS OF EACH INDIVIDUAL WHO IS AN OWNER OF SUCH ENTITY ON SEPARATE ATTACHMENT.

EMERGENCY CONTACT: _____

Name: _____

Address: _____

Telephone: _____ - _____

STATE PROJECTED WORK TO BE DONE: _____

LOCATION AND ROUTE OF ALL FACILITIES TO BE CONSTRUCTED:

(ATTACH COMPLETE DETAIL FOR LOCATION AND ROUTE)

EACH APPLICATION SHALL BE SIGNED BY AN AUTHORIZED PERSON AND/OR CORPORATE OFFICER OF BOTH THE CONTRACTOR AND OWNER.

NAME OF FIRM – OWNER

BY: _____
**Authorized Person or
Corporate Officer**

TITLE: _____

DATE: _____

NAME OF FIRM – CONTRACTOR

BY: _____
**Authorized Person or
Corporate Officer**

TITLE: _____

DATE: _____

(EXHIBIT A)

REQUIREMENTS OF ORDINANCE 2000-003, CHAPTER 24 ENTITLED “PUBLIC STREET RIGHT-OF-WAY MANAGEMENT

ATTACH TO APPLICATION:

- i. Engineering Plans (which will be on a scale of one inch (1”) equals fifty feet (50’) unless otherwise approved by the City Administrator.
 - ii. Detail of the location of all right-of-way and utility easements which applicant plans to use.
 - iii. Detail of all existing city utilities in relation to applicant’s proposed route.
 - iv. Detail of what applicant proposes to install, such pipe size, number of interducts, valves, etc.
 - v. Detail of plans to remove and replace asphalt, concrete in street (include city of Mont Belvieu standard construction details).
 - vi. Drawings of any bores, trenches, handholes, manholes, switch gear, transformers, pedestals, etc. including depth.
 - vii. Manholes or access openings of a type that the applicant plans to use.
 - viii. Complete legend of drawings submitted by applicant.
 - ix. Four sets of engineering plans must be submitted with permit application.
 - x. The name, address and phone numbers of the contractor who will perform the actual construction, including the name and telephone number of an individual with the contractor who will be available at all times during construction.
 - xi. The construction and installation methods to be employed for the protection of existing structures, fixtures, and facilities within or adjacent to the right-of-way, and the dates and times work will occur, all of which (methods, dates, times, etc.) are subject to approval of the City Administrator or his/her designee; and
 - xii. Proof of insurance or net worth, as required.
4. All construction and installation in the right-of-way shall be in accordance with the permit issued for the applicable work contemplated. The City Administrator or his/her designee shall be provided access to the work and to such further information as he or she may reasonably require to insure

- compliance with the permit.
5. A copy of the construction permit and approved engineering plans shall be maintained at the construction site and made available for inspection by the City Administrator to his/her designee at all times when construction or installation work is occurring.
 6. All construction or installation work authorized by permit must be completed in the time specified in the construction permit. If the work cannot be completed in the specified time periods, the permittee may request an extension from the City Administrator or his/her designee.
 7. Insurance and Bonds.
 - (a) An applicant must provide proof of liability insurance in the amount of one million (\$1,000,000) dollars as approved by the City Administrator or his/her designee. Such requirements may be waived by the City Administrator or his/ her designee if the applicant provides acceptable evidence of self-insurance backed by assets equal to but not less than a net worth in the amount of at least five million (\$5,000,000) dollars as approved by the City Administrator or his/her designee.
 - (b) The coverage provided must be on an "occurrence" basis and must include coverage for personal injury, contractual liability, premises liability, medical damages, underground, explosion and collapse hazards.
 - (c) Each policy must include a cancellation provision in which the insurance company is required to notify the city in writing not fewer than thirty (30) days before canceling, failing to renew, or reducing policy limits.
 - (d) The applicant shall file the required original certificate of insurance prior to any commencement of work. The certificate shall state the policy number; name of the insurance company; name and address of the agent or authorized representative of the insurance company; name, address and telephone number of insured; policy expiration date; and specific coverage amounts.
 - (e) Applicant shall file a surety bond from a surety company authorized to do business in the State of Texas in the amount of \$15,000.00 to guarantee that the restoration of the right-of-way in the event the applicant leaves a job site in the right-of-way unfinished, incomplete or unsafe.
 8. A request for a permit must be submitted at least ten (10) working days before the commencement of work proposed in the request, unless waived by the City Administrator or his/her designee.

9. Requests for permits will be approved or disapproved by the City Administrator or his/her designee within a reasonable period of time of receiving all the necessary information. The City Administrator or his/her designee will use his/ her best efforts to approve or disapprove a request for permit as soon as possible.
10. The public works department can request a pre-construction meeting with the permittee and their construction contractor.
11. Permit applications are required for construction on new, replacement, or upgrading of the company's work in the right-of-way either aerial or underground.

Sec. 27-7. Construction Standards.

- (a) The City Administrator must be notified twenty-four (24) hours in advance that construction is ready to proceed by either the right-of-way user, their contractor or representative.
- (b) All construction shall be in conformance with all city codes and applicable local, state and federal laws.
- (c) Three foot by three foot information signs stating the identity of the person doing the work, telephone number and permittee's identity and telephone number shall be placed at the location where construction is to occur 48 hours prior to the beginning of work in the right-of-way and shall continue to be posted at the location during the entire time the work is occurring.
- (d) Permittee can be required to show proof of EPA approved plans relating to storm water and erosion when applicable or a letter stating they are not required to obtain such plans.
- (e) Lane closures on major thoroughfares will be limited to after 8:30 a.m. and before 4:00 p.m. unless the City Administrator grants prior approval. Arrow boards will be required on lane closures, with all barricades, advanced warning signs and 36-inch reflector cones placed according to the specifications of the City Administrator.
- (f) Permittees are responsible for the workmanship and any damages by contractors or subcontractors. A responsible representative of the permittee will be available to the City Administrator at all times during construction.
- (g) Permittees are responsible for storm water management erosion control that complies with city, state and federal guidelines. Requirements shall include, but not be limited to, silt fencing around any excavation that will

be left overnight, silt fencing in erosion areas until reasonable vegetation is established, barricade fencing around open holes, and high erosion areas will require wire backed silt fencing.

- (h) Permittee, or contractor or subcontractor, will notify the City Administrator immediately of any damage to other utilities, either city or privately owned.
- (i) When a street or sidewalk cut is required, prior approval must be obtained from the City Administrator and all requirements of the city Administrator shall be followed. Repair of all street and sidewalk removals must be made promptly to avoid safety hazards to vehicle and pedestrian traffic.
- (j) Installed facilities must not interfere with city utilities, in particular, gravity dependent facilities.
- (k) Utilities must be installed at a minimum of six (6) feet in depth, unless approved by the City Administrator.
- (l) All directional boring shall have locator place bore marks and depths while bore is in progress. Locator shall place mark at each stem with paint dot and depth at least every other stem.
- (m) The working hours in the rights-of-way are 7:00 a.m. to 6:00 p.m., Monday through Friday. Work that needs to be performed after 6:00 p.m. Monday through Friday must be approved in advance. Any work performed on Saturday must be approved twenty-four (24) hours in advance by the City Administrator. Directional boring is permitted only Monday through Friday unless approved in advance.
- (n) Contractors working for permittee are responsible for obtaining line locations from all affected utilities prior to any excavation.
- (o) Contractor will be responsible for verifying the location both horizontal and vertical of all affected facilities whether by potholing or hand digging prior to any excavation or boring.
- (p) Placement of all manholes and/or access holes or points of entry must be approved in advance by City Administrator.
- (q) All completed work shall be fully inspected by an appropriate officer of the city to determine compliance with the terms and provisions of this Code.

Sec. 24-8. Fees and Costs.

The City Administrator shall from time to time establish a fee schedule for the issuance of all permits and the performance of all inspections, if any, that may be required.

Under the provisions of this article, such fees as shall be determined and established by the City Administrator shall be paid prior to the issuance of any permits or performance of any inspections as may otherwise be required. Fees, as herein authorized, shall not be charged to any franchise utility holding a franchise to perform applicable law. However, any other entity otherwise entitled to use the public street rights-of-way shall, prior to such use, obtain the necessary permit and/or registration as herein required and shall pay the fees as may be from time to time provided for and established by the City Administrator.

Sec. 24-9. Plans of Record.

Right-of-way users will provide the city administrator or his/her designee with “plans of record” within ten (10) days of completion of facilities within the right-of-way and annually thereafter. Users, which have facilities in the right-of-way existing as of the date of adoption of Ordinance No. 2000-003 who have not provided plans of record shall do so not later than thirty (30) days after the passage of this ordinance. The plans shall be provided to the city in the format specified by the City Administrator or his/her designee. Submittal of “plans of record” shall be in digital formatting as well as written or in any other format requested by the city administrator.

Sec. 24-10. Conformance with Public Improvements.

- (a) Any person doing work in the city right-of-way shall properly install, repair, upgrade and maintain facilities.
- (b) Facilities shall be considered to be improperly installed, repaired, upgraded or maintained if:
 - 1. the installation, repairs, upgrade or maintenance endangers people;
 - 2. the facilities do not meet the applicable city codes;
 - 3. the facilities are not capable of being located using standard practices;
 - 4. the facilities are not located in the proper place in accordance with the directions provided by the city administrator; or
 - 5. the facilities are placed in an area that interferes with city owned facilities, such as water or sewer lines or streets. Privately owned facilities shall be considered to interfere with city owned facilities if the privately owned facility is within three (3) feet horizontally or one (1) foot vertically of city owned facilities.

Sec. 24-12. Type of Facilities.

- (a) The City Administrator may require or approve the location of facilities underground.

- (b) When poles are used, the type of poles, location, depth, upgrades, etc. shall be subject to the review of the City Administrator.
- (c) The City Administrator or his/her designee may approve size of facilities to be installed or require proof of need to install size of system requesting to be permitted.

Sec. 24-13. Restoration of Property.

(a) Users of the right-of-way shall restore property affected by construction of facilities to a condition that is equal to or better than the condition of the property prior to the performance of the work.

(b) This includes, but is not limited to, replacing all ground cover, either by sodding or seeding, with equal to or better than the type of ground cover damaged during work, as directed by the City Administrator.

(c) Restoration must be to the reasonable satisfaction of the City Administrator and the property owner. The restoration shall include, but not be limited to:

1. Installation of all manholes and access holes, as required;
2. Backfilling all bore pits, pot holes, trenches or any other holes shall be filled in daily, unless other safety requirements are approved by City Administrator.
3. Leveling of all trenches and backhoe lines;
4. Restoration of excavation site to city specifications;
5. Restoration of all landscaping.

(d) All flags, indicators, warning signs and other markings shall be removed during the clean up process by the permittee or his/her contractor at the completion of the work.

(e) Restoration must be made in a timely manner as specified and approved, and to the satisfaction of the city administrator or his/her designee. If restoration is not satisfactory and performed in a timely manner, all work in progress, except that related to the problem, including all work previously permitted but not complete, will be halted and a hold placed on any pending permits until all restoration is complete.

Sec. 24-14. Locating Facilities.

If any of the provisions of this ordinance are not followed, a permit may be revoked by the city administrator or his/her designee. If a person has not followed the terms and conditions of this ordinance in work done pursuant to a prior permit, new permits may be denied or additional terms required.

Ordinance 2000-003 adopted by City Council January 24, 2000.