

RULES OF HARRIS COUNTY, INCLUDING THE HARRIS COUNTY TOLL ROAD AUTHORITY, A DIVISION OF HARRIS COUNTY, AND THE HARRIS COUNTY FLOOD CONTROL DISTRICT FOR THE CONSTRUCTION OF FACILITIES WITHIN HARRIS COUNTY AND THE HARRIS COUNTY FLOOD CONTROL DISTRICT RIGHTS-OF-WAY



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RULES OF HARRIS COUNTY, INCLUDING THE HARRIS COUNTY TOLL ROAD AUTHORITY, A DIVISION OF HARRIS COUNTY, AND THE HARRIS COUNTY FLOOD CONTROL DISTRICT FOR THE CONSTRUCTION OF FACILITIES WITHIN HARRIS COUNTY AND HARRIS COUNTY FLOOD CONTROL DISTRICT RIGHTS-OF-WAY

SECTION 1 AUTHORITY

These Rules are adopted by the Commissioners Court of Harris County, Texas pursuant to the authority granted to it by Section 2 of the Harris County Road Law Acts 1913, 33rd Legislature, Chapter 17, the Harris County Flood Control District Act, Acts of 1937, 45th Legislature, Chapter 360, and the Texas Water Code, Section 49.211, as amended, and other applicable law. In addition, Harris County has the authority through Chapter 284 and Section 373.101 of the Tex. Transp. Code Ann. -§ 373.101 to operate and maintain a county toll road system as part of a county toll road system a toll project that has been removed from the state highway system by the allows the Texas Transportation Commission and transferred to the county to remove a local toll project from the state highway system and transfer ownership to a county for operation and maintenance as part of the county toll road system.

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SECTION 2 JURISDICTION

These Rules apply to all Work on Facilities within Harris County, including the Harris County Toll Road Authority, a division of Harris County, or Harris County Flood Control District rights-of-way.

SECTION 3 PURPOSE

The purpose of these Rules is to protect the public, to maintain safe and efficient operating rules, and to preserve and maintain the integrity of Harris County and Harris County Flood Control District rights-of-way for their intended purposes.

SECTION 4 CONSTRUCTION OF RULES

The Code Construction Act of Texas (Chapter 311 of the Texas Government Code) applies for the purpose of construing these Rules unless an alternative instruction, definition, or application is contained herein. These Rules must be liberally construed to give effect to its purpose.

SECTION 5 DEFINITIONS

As used in these Rules, the following words and phrases have the following meanings:

- A. **“Applicable Criteria”** - Specifications, standards, guidelines, rules, and regulations, adopted by Commissioners Court acting as the governing body of HC and HCFCD, and/or applicable State or Federal law.
- B. **“Applicant”** - A Person who makes a formal application to Work in HC or HCFCD ROW.
- C. **“As-Built Drawings”** – As-Built Drawings are a revised set of drawings submitted by the Applicant upon completion of the approved Work. They reflect all changes made in the specifications and Construction Drawings during the construction

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process, and show the exact dimensions, geometry, and location of all elements of the Work completed under the Certificate.

D. **“Certificate”** – Document that HC issues that shows that the Applicant has complied with these Rules to Work in HC or HCFCD ROW.

E. **“Commissioners Court”** – Commissioners Court of Harris County, Texas.

F. **“Construction Drawing”** – Drawings used to construct a proposed development or roadway and drainage facilities or any other constructed Facility.

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G. **“County Engineer”** - The County Engineer of Harris County, Texas or any employee authorized by said County Engineer to act on his or her behalf.

H. **“County Road”** – All roads operated and maintained by Harris County and listed on the Harris County Road log.

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I. **“District Engineer”** - The Executive Director of the Harris County Flood Control District or any employee authorized to act on his or her behalf.

J. **“Emergency Repair”** – The repair of a failure causing an imminent threat to public safety.

K. **“Facility, Utility, or Infrastructure”** - Any pipeline, main, conduit, cable, utility line, pole line, sewer line, water line, outfall pipe, monitoring well, soil boring, flood control feature and infrastructure associated with storm water drainage, building, fencing or any other structure other than a driveway/roadside culvert as outlined in the Applicable Criteria, or any other structure that provides the service (such as supply of electricity, water, sanitary, gas, communications, tolling services etc.) that is provided to the public. A turn lane and median cut are included in this definition. Not included in this definition are service taps from a mainline (water, sewer, gas or cable)

servicing a single-family residence. For the purposes of these Rules, Utility and Facility and Infrastructure are interchangeable.

J.L. Harris County Toll Road System – a system of about 127 miles of roadway in Harris County that currently includes the following toll roads - Westpark Tollway, Sam Houston Tollway, Hardy Toll Road, which includes the Downtown Hardy Toll Road Extension, Tomball Tollway, Katy Managed Lanes and the Fort Bend County Toll Road Extension.

K.M. “HC” – Harris County, ~~the a~~ political subdivision of the State of Texas.

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N. “HCFCD” or “District” – Harris County Flood Control District, a political subdivision of the State of Texas.

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O. “HCTRA” – Harris County Toll Road Authority, a division of Harris County, Texas.

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P. “HCTRA Executive Director” - The Executive Director of the Harris County Toll Road Authority or any employee authorized to act on his or her behalf.

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M.Q. **“High Pressure Pipeline”** - Any pipeline designed to transport a liquid or gas at a pressure equal to or in excess of 60 pounds per square inch.

N.R. **“Landscaping”** - The placement of trees, shrubs, or plants for the purpose of beautification of an esplanade(s) or other HC or HCFCD ROW.

O.S. **“Master-Planned Community”** - A subdivision equal to or greater than 1,000 acres.

T. **“Monument”** - Any structure displaying a subdivision name or other type of identification usually placed at the entrance of a subdivision in HC ROW. This

definition does not include signs on private property or traffic control signs. Message boards or electronic displays are prohibited.

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P.U. **“Network Node”** - Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including equipment associated with wireless communications, a radio transceiver, an antenna, a battery-only backup power supply, and comparable equipment, regardless of technological configuration, or a coaxial or fiber-optic cable that is immediately adjacent to and directly associated within particular collocation.

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Q.V. **“Permanent Utility”** - A structure that provides the service (such as a supply of electricity, water, sanitary, gas, communications, etc.) that is provided to the public. The difference between a Utility and a Permanent Utility is the ease of relocation. If the Utility cannot be relocated easily within thirty days of notice it shall be considered a Permanent Utility. Examples of Permanent Utilities include, but are not limited to: gas lines over three inches in diameter, any duct-bank, sanitary sewers over twelve inches in diameter, water lines over six inches in diameter, telephone/power/communications line poles or Utility Poles over eighteen inches in diameter at base or over fifty feet in height, and electrical, audio or visual cable buried in conduit.

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R.W. **“Person”** - Any individual, contractor, corporation, partnership, limited partnership, joint venture or other legal or governmental entity.

S.X. **“ROW”** - Right-of-Way. The area within the boundaries of a parcel or tract of land described in a document, including a real property instrument, plat or approved order of the Commissioners Court of Harris County, Texas, vesting a real property interest

in HC or the HCFCD, whether in their own name or as the organized representative of the public. This definition includes the property for all toll roads that are a part of the Harris County Toll Road system, including all the land between the frontage roads for toll roads where Harris County has operation and maintenance authority by agreement with the Texas Department of Transportation. This definition does not include the land where the Texas Department of Transportation operates and maintains frontage roads adjacent to a toll road on the Harris County Toll Road System.

T.Y. **“ROW Corner Cut-Back”** - Corner cut-backs of ROW at street intersections are necessary to provide sufficient public space for pedestrian sidewalk facilities and ramps (compliant with Americans with Disabilities Act – ADA and Texas Accessibility Standards-TAS), traffic control devices, street signs, street lighting, traffic signal equipment, and all surface encroachments which could prevent the future installation of such equipment within the cut-back area. Refer to the Geometric Design Guidelines for Subdivision Streets, Harris County and City of Houston.

U.Z. **“ROW User”** - Any Person performing Work within a HC or HCFCD ROW.

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AA. **“Statutory Authority”** - The legislatively created right conferred upon Utility companies, and certain other corporations providing an essential public service, to lay, install, construct, maintain and operate facilities over, under, across, on, or along a public roadway or a public waterway.

V.BB. **“Tolling Facility”** – Includes, but is not limited to, a pull box, junction box, equipment buildings, equipment cabinets, electrical supply, and water supply facilities associated with toll roads.

~~W-CC.~~ **“Utility Pole”** – A pole used to support lines, cables, antennas, or any other Utility or Permanent Utility above ground level.

~~X-DD.~~ **“Variance”** – A written approval of a deviation from these ~~R#~~rules.

~~Y-EE.~~ **“Work”** – Laying, constructing, maintaining or repairing any Facility.

SECTION 6 RIGHT-OF-ENTRY TO HC OR HCFCD RIGHT-OF-WAY

- A. No Person shall enter upon HC or HCFCD ROW for the purpose of any Work of any Facility involving the disturbance of or placement on the soil, until the County Engineer, ~~or~~ District Engineer, or HCTRA Executive Director certifies that all requirements set forth in herein have been met and the County Engineer issues a Certificate.
- B. The use of HCFCD ROW to gain access to other utility easements, or for other purposes including but not limited to: surveying, geotechnical investigations, or temporary construction lay-down areas, requires a temporary right-of-entry to be issued.
- C. HC or HCFCD employees are not required to comply with these ~~R#~~rules when working in their ROW. Contractors working on behalf of HC and HCFCD are also exempt provided they are performing Work in accordance with approved Construction Drawings.

SECTION 7 CONSTRUCTION DRAWING SUBMITTALS

- A. HC handles the administrative functions of these ~~R#~~rules for the HCFCD and HCTRA and will issue all Certificates for the purpose of these Rules.
- B. The Applicant shall submit Construction Drawings to HC under these ~~R#~~rules for review and approval prior to start of Work. Approval must be shown on all applicable

Construction Drawings for the proposed Work in HC or HCFCFCD ROW. HC will issue the Certificate once Construction Drawings are approved (by signature of appropriate agency(s)), the applicant has applied for a Certificate, produced the bond, and paid for the Certificate.

SECTION 8 TRAFFIC CONTROL

Traffic control plans shall be submitted for ~~turn lanes and any and all other~~ construction activity requiring a lane closure.

SECTION 9 SEALING OF CONSTRUCTION DRAWINGS

All Construction Drawings for Work to be performed in the HC or HCFCFCD ROW must be sealed by a ~~registered~~ professional engineer or registered landscape architect, as appropriate, licensed in the State of Texas.

SECTION 10 CERTIFICATE, FEES, AND BONDS

The following must be submitted prior to any Work and the issuance of a Certificate. In addition to a Certificate, - permits under other Harris County regulations, may be required for the Work.

- A. A completed *Harris County Application for Construction in Harris County or HCFCFCD ROW* on the form provided by the County Engineer;
- B. No new Construction Drawings are required if the plan set was previously reviewed and approved and the approved Construction Drawings are on file electronically;
- C. The Construction Drawings shall clearly show compliance with these Rules and compliance with Applicable Criteria. Notwithstanding any other provisions to the contrary, Certificates issued based on approved Construction Drawings that are later

determined to be in noncompliant with these Rules are subject to the Certificate Suspension as provided in Section 32.

- D. A bond in the appropriate amount as outlined in Table I unless a perpetual bond is already on file with HC ;
- E. The fee in the amount set by Commissioners Court and listed on the HC Permit Fee Schedule. The Permit Fee Schedule is available online on the HC Permits website. The Permit Fee Schedule utilizes pertinent definitions contained within these **R**ules.

SECTION 11 EMERGENCY REPAIRS

A Person may enter upon land acquired, claimed, or maintained by HC or HCFCD **ROW** to make immediate Emergency Repairs to a Facility where Work must be completed to prevent damage to the HC or HCFCD ROW. Failure to follow these procedures might result in a shutdown of the Work.

- A. In case of emergency, the ROW User or Applicant must notify HC by completing and submitting the Emergency Work Form located on the HC Permits website prior to 4:00 pm the following business day. The ROW uUser or Applicant shall contact HCTRA Maintenance Department at 832.590.6936 48 hours prior to starting construction on HCTRA ROW. For any construction in HCTRA ROW, ROW User does not need to complete and submit the Emergency Work Form. No Work shall commence until appropriate advance warning signs, markers, cones, and barricades are in place. After the Emergency Repair is completed a Certificate must be obtained prior to restoring the ROW.

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B. Emergency Repairs can be completed to prevent further Facility damage, environmental damage, or property loss. The permanent repair must comply with these ~~R~~rules.

C. Once issued, a copy of the Certificate must be on site at all times.

D. Construction Drawings for Emergency Repairs must be submitted to HC within five (5) calendar days from the start of Emergency Repair Work.

SECTION 12 INTERFERENCE WITH USE OF THE RIGHT-OF-WAY

A. No Person shall perform any Work in such a manner as to obstruct access or interfere with the construction alteration, access, improvement, enlargement, operations, capacity enhancement, maintenance, or repair of any HC or HCFCD ROW.

B. In the event that any Facility interferes in any manner with the construction, maintenance, access, improvement, enlargement, capacity enhancement, or repair of any HC or HCFCD ROW, the Person in control of the Facility shall alter the Facility in such a way so as to mitigate the interference no later than thirty (30) days after notice from the County or District Engineer, ~~and bear the cost and expense of any change or alteration.~~ If the interference restricts the ability to collect tolls on any toll road in the Harris County Toll Road System, the Person in control of the Facility shall alter the Facility no later than 24 hours after notice from the HCTRA Executive Director to remove the interference. Additionally, under the terms of the right of entry agreement, the ROW User, and may be required to pay all costs stemming from the interference, including, but not limited to, loss of revenue, loss of data, and costs of mitigation.

- C. In the event rain is in the forecast, the ROW User shall remove any construction material, equipment, low water crossings, or other temporary structures that would negatively affect the ability of the Facility to convey stormwater prior to the onset of rain.
- D. No Person shall perform any Work in such a manner as to constitute a danger or hazard of any kind to Persons or vehicles using or maintaining any HC or HCFCD ROW, or any public property located within the boundaries of the ROW.
- E. No Landscaping higher than thirty (30) inches measured from top of curb at mature growth and no Monuments shall be placed in the ROW Corner Cut Back. No Landscaping or Monuments shall be placed on HCFCD ROW without prior HCFCD approval. No Landscaping or Monuments shall be placed on HC ROW adjacent to a HCTRA facility Tolling Facility without prior HCTRA approval.

SECTION 13 TRENCHING

- A. No trench shall be opened for the purpose of laying pipes, conduits or ducts for a distance greater than can be backfilled on the same day before sunset.
- B. In all cases where soil is piled along the side of a trench cut for Work on utilities parallel with a road, weep holes shall be dug through such piles of soil in order that water may drain from the roadbed and shoulders to the road ditches or back slope interceptors, as appropriate. Weep holes shall be dug according to the following specifications:
 - i. at intervals not to exceed two hundred (200) feet along such parallel construction, and at all swags or low places in the roadbed of such County road;
 - ii. to a depth of six (6) inches below the shoulder of such County road and a width of twelve (12) inches; and

iii. to the road ditch, or to such an elevation that the bottom of the weep holes will discharge their water into the road ditch.

C. The weep holes must be maintained free of obstruction until construction is completed and the trench backfilled, tamped and leveled true to the original grade. If weep holes have not been properly constructed or maintained, operations shall cease until same are corrected. The contractor shall maintain storm water flow in its pre-existing condition.

D. At no time will the ROW User place excavated or backfill material upon the roadway surface. The excavated or backfill material shall be placed in such a manner to minimize the probability of sloughing onto the roadway surface.

E. Do not cast or place material, either temporarily or permanently, on top of the HCFCD channel bank.

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SECTION 14 USE OF THE ROADWAY

A._____ The operation of construction or maintenance equipment on the traveled surface of any improved County road is prohibited unless installation of utilities cannot be accomplished by any other method. In such instances, the equipment shall use rubber tires ~~or tracks~~ on said traveled surfaces. Tracked equipment may not only be used on the traveled surface unless protective measures are taken to protect the traveled surface. If traffic on a toll road in the Harris County Toll Road System has to be halted for any reason due to ROW User's Work, ROW User shall pay to HCTRA the cost of loss in revenue, loss of data, and costs of mitigation. If a toll lane on the Harris County Toll Road System is closed without prior approval,

HCTRA will pursue all costs incurred as a result of the lane closure under the terms of the right of entry agreement. a lane assessment fee may apply.

SECTION 15 NOTIFICATION PRIOR TO WORK

In addition to obtaining a Certificate from HC, Applicants or ROW User shall submit the following notifications, as applicable:

A. HC ROW: Applicant shall submit online the *Notification of Job Start* form provided on the HC Permits website and shall additionally provide written notice to the appropriate Commissioner’s Precinct or HCTRA, where applicable, at least forty-eight (48) hours excluding weekends and holidays before any Work is performed in the HC ROW which involves disturbance of the soil. A copy of the Certificate under Section 6 of these Rules must be on site at all times. Failure to follow these procedures might result in shut down of the Work.

A.B. HCTRA ROW: Applicant shall contact HCTRA Maintenance Department at 832.590.6936 48 hours prior to starting construction on HCTRA ROW.

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B.C. HCFCF ROW: Submit a *48 hour Pre-Construction Notice* form to HCFCF as outlined on the Certificate prior to any Work performed in the HCFCF ROW. Failure to follow these procedures might result in shut down of the Work.

C.D. In cases of Emergency Repairs requiring immediate Work, refer to Section 11.

SECTION 16 UTILITIES

ROW Users shall comply with the following provisions, as applicable:

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- A. All underground Utilities that cross improved HC ROW/roads shall be jacked, tunneled, bored, or driven under the road for the full width of the improved portion of the road. Improved County roads, as used within this subsection, are defined as any road surfaced with a material other than soil. The improved portion is considered as that portion of the road lying between the front slope of each ditch, or on curb and gutter sections, the area lying between the back of each curb.
- B. All underground Utilities, except High Pressure Pipelines and Permanent Utilities that cross HC ROW shall be installed at the greater of the following depths:
 - i. at least four (4) feet below the crown of a County road; or
 - ii. two (2) feet below the bottom of the ditches on each side of a County road;
- C. Such depth distances shall be measured from the top of such Utilities to the bottom of the road ditch, or crown of the road, as the case may be; unless by reason of proposed or anticipated changes in the grade of such HC ROW the County Engineer may determine that a greater depth is advisable.
- D. On curb and gutter sections, all underground Utilities, except High Pressure Pipelines, Permanent Utilities, that cross County roads shall be installed at a minimum of two (2) feet below the bottom of the slab at the gutters. Such depth distance shall be measured from the top of such Utility to the bottom of the slab at the gutter. However, in particular instances where it is determined by the County Engineer that a greater depth is required, such Utility shall be installed at the depth required by the County Engineer.
- E. All Utilities, except High Pressure Pipelines and Permanent Utilities, parallel to and within the ROW of any County road shall be laid, constructed, maintained and/or

repaired at a distance of not less than four (4) feet from the edge of the road. The distance shall be calculated from the portion of the road considered as the normal traveling surface to the nearest side of such Utilities. All Utility Work shall be in the area considered as the front slope of the ditch where practical. These underground installations shall be at such depth so as to provide a minimum of two (2) feet of cover above the top of the buried structure.

- F. If the installation of any Utility requires a repose angle with respect to the edge of the traveling surface of the county road that exceeds 33 degrees, 41 minutes, 24 seconds (1 ½: 1 slope), the ~~ROW User owner and/or operator~~ shall furnish the County Engineer with soil testing laboratory reports indicating if ~~sheeting-shoring~~ is required to safely preserve the road. The tests shall be at the sole expense of the ~~ROW User owner or operator~~. If reports indicate ~~sheeting-shoring~~ is required at various areas or for the entire length of a trench, the owner and/or operator, at no expense to HC, shall install it.

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Spacing for soil tests shall be at one thousand (1,000) feet intervals unless soil conditions indicate tests should be made at shorter intervals or as directed by the County Engineer.

- G On curb and gutter sections, all Utilities other than Permanent Utilities paralleling the road should be a minimum four (4) feet behind back of curb.
- H. All overhead Utilities constructed, maintained or repaired within HC ROW shall conform to current federal, state, and local rules and regulations.
- I. All underground Utility road crossings shall be clearly and permanently marked, on each side of the ROW, with warning signs indicating owner and type of installation,

where practical. Utilities carrying water and domestic sewage are exempt from this requirement.

II. HCTRA

A. All underground Utilities that cross a toll road in the Harris County Toll Road System shall be jacked, tunneled, bored, or driven under the road for the full width of the improved portion of the road.

B. All underground Utilities, except High Pressure Pipelines and Permanent Utilities that cross a toll road in the Harris County Toll Road System shall be installed at the greater of the following depths:

i) at least four (4) feet below the crown of the road; or

ii) two (2) feet below the bottom of the ditches on each side of the road;

C. Such depth distances shall be measured from the top of such Utilities to the bottom of the road ditch, or crown of the road, as the case may be; unless by reason of proposed or anticipated changes in the grade of such road the HCTRA Executive Director may determine that a greater depth is required.

D. All Utilities, except High Pressure Pipelines and Permanent Utilities, parallel to and within the ROW of any County road shall be laid, constructed, maintained and/or repaired at a distance of not less than four (4) feet from the edge of the road. The distance shall be calculated from the portion of the road considered as the normal traveling surface to the nearest side of such Utilities. All Utility Work shall be in the area considered as the front slope of the ditch where practical. These underground installations shall be at such depth so as to provide a minimum of two (2) feet of cover above the top of the buried structure.

E. If the installation of any Utility requires a repose angle with respect to the edge of the traveling surface of the County road that exceeds 33 degrees, 41 minutes, 24 seconds (1 ½: 1 slope), the ROW User ~~owner and/or operator~~ shall furnish the HCTRA Executive Director with soil testing laboratory reports indicating if ~~sheeting~~shoring is required to safely preserve the road. The tests shall be at the sole expense of the ROW User. ~~owner or operator~~. If reports indicate ~~sheeting~~shoring is required at various areas or for the entire length of a trench, the ROW User~~owner and/or operator~~, at no expense to HC, shall install it.

Spacing for soil tests shall be at one thousand (1,000) feet intervals unless soil conditions indicate tests should be made at shorter intervals or as directed by the HCTRA Executive Director.

F. All Utilities, except High Pressure Pipeline and Permanent Utilities, shall be located no less than five (5) feet from any structural appurtenance. ~~HCTRA has discretion~~ ~~The on-~~location of any bores larger than 48 inches, ~~-This-~~ ~~including~~es, but is not limited to those for ~~;~~ drilled shaft foundations, retaining walls, and bridge decks ~~are~~ ~~subject to HCTRA's discretion~~.

H. All Utilities, except High Pressure Pipeline and Permanent Utilities, shall be located no less than two (2) feet from any Tolling Facility.

I. All overhead Utilities constructed, maintained or repaired within HC ROW shall conform to current federal, state, and local rules and regulations.

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HCFC

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- A. All underground Utilities that cross HCFC ROW shall be buried at the minimum depth specified in the Applicable Criteria and be installed with trenchless technologies. The minimum depth is based on the ultimate depth of the drainage facility. The applicant must contact HCFC in order for HCFC to determine the ultimate depth of the drainage facility.
- B. Pipelines and Utilities within HCFC ROW and parallel to the channel or detention pond are not allowed.
- C. A ROW User without Statutory Authority or who wishes to perform Work on a non-drainage Facility must show written proof of an independent right or permission to perform the Work. must purchase an easement prior to entry upon fee-owned ROW.
- D. Additional measures may be required to protect the HCFC ROW from construction damage.

SECTION 17 UTILITY POLES

- A. Any Utility Pole line parallel to a County road shall be constructed with Utility Poles set no further than one (1) foot from the ROW line. Utility Poles shall be one foot from the ROW line and a maximum of eighteen inches in diameter, meaning no pole shall obstruct the ROW greater than two feet six inches from the edge of ROW.
- B. All overhead road crossings shall be constructed and maintained in accordance with the applicable provisions of the National Electrical Safety Code (NESC).
- C. Utility Poles are prohibited from being placed within HCFC ROW.

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SECTION 18 PERMANENT UTILITIES

A. All Permanent Utilities in HCroad ROW shall cross at a depth of twenty-five feet or greater below the crown of the road, unless they ~~satisfy~~meet with Conditions 14, or 12 as outlined below.

B. All Permanent Utilities in HCroad ROW running parallel to the road shall be buried a minimum of twenty-five feet below the crown of the road or greater unless they ~~satisfy~~meet Conditions 14 or 12 as outlined below.

~~All Permanent Utilities shall be located no less than five (5) feet from any structural appurtenance. The location of any bores larger than 48 inches, including, but not limited to those for drilled shaft foundations, retaining walls, and bridge decks are subject to HCTRA's discretion. HCTRA has discretion on location of any bores larger than 48 inches. This includes, but is not limited to, drilled shaft foundations, retaining walls, and bridge decks.~~

~~B.C.~~ All Permanent Utilities shall be located no less than two (2) feet from any Tolling Facility.

~~C.D.~~ Any poles, including Utility Poles, with a base or pole diameter greater than eighteen inches in diameter are prohibited in the HC-road ROW.

~~D.E.~~ All Permanent Utilities buried in HCFCD ROW must be buried at the minimum depth specified in the Applicable Criteria. The minimum depth is based on the ultimate depth of the drainage facility. The applicant must contact HCFCD in order for HCFCD staff to determine the ultimate depth of the drainage facility.

~~E.F.~~ Proposed Permanent Utilities parallel to the channel or basin within HCFCD ROW are typically not allowed, and any exceptions will require a variance and an agreement with HCFCD to address cooperation in relocating or protecting utilities

for channel improvements or maintenance. For agencies that have an interlocal agreement adopted by Harris County Commissioners Court with HCFCD regarding this topic, variances for various construction projects will not be required.

F.G. Permanent Utilities may meet the installation standards of Utilities if they are ~~a communications node or other communications facilities~~ that is/are being attached to an existing Utility Pole and does not increase the height of said pole by more than nine feet. Communications nodes on newly constructed utility poles may meet the installation standard of Utilities if constructed in accordance with the definition of "network node" in Section X Paragraph X of these regulations. For Utilities that meet the criteria of this Condition, the requirements of these Rrules shall supersede all of the requirements of the Harris County Location of Communication Facility Structure Regulations. A network node must either be located within and/or all exposed elements must fit within an enclosure or space of not more than six cubic feet. A network not may not exceed a height of three feet above the existing or proposed structure or pole. A network node or any equipment attached to a node support pole may not protrude from the outer circumference of the existing structure or pole by more than two feet. Any other wireless equipment associated with the network node may not be more than 28 cubic feet in volume and may not protrude from the outer circumference of the existing or proposed structure or pole by more than two feet. Ground based enclosures, separate from the pole, may not be higher, wider, or deeper than three feet six inches.

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G.H. Other Permanent Utilities may be approved on a case-by case basis by the County Engineer or HCTRA Executive Director, where applicable, to reflect advancing technologies in the fields of Permanent Utilities.

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Condition I:

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Permanent Utilities may meet the installation standards of Utilities if they are located on a road ROW where the ultimate road section has been constructed or designed and the installation of the Permanent Utility will not interfere with the roads operation, maintenance, or repair.

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Condition II:

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Permanent Utilities may meet the standards of Utilities if the owner of the facility has an agreement with Harris County or HCTRA, where applicable, governing cooperation in relocating Utilities for roadway improvements. Said agreement must be approved by Commissioners Court as the governing body of Harris County.

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SECTION 19 HIGH PRESSURE PIPELINES

A. HC

High Pressure Pipelines crossing County roads shall be installed at the greater of the following depths: minimum of six (6) feet below the crown of the road, and a minimum of three (3) feet below the bottom of the roadside ditch. In curb and gutter streets, the pipeline shall be installed a minimum of five (5) feet under the bottom of the storm sewer. All measurements are from the top or bottom of the pipe and/or casing, whichever results in a greater separation depth. All High Pressure Pipelines must be cased and vented or have the equivalent protection in the design. Bore pits for High Pressure Pipeline installation shall be a minimum of thirty (30) feet from the nearest

through traffic lane and not less than twenty (20) feet from the edge of the pavement. A professional engineer licensed to practice in the State of Texas must seal all High Pressure Pipeline Construction Drawings submitted and certify that the Construction Drawings meet all Federal and State requirements and guidelines for the specific design. Should pipelines meet the definition of Permanent Utilities those requirements shall govern.

B. HCTRA

High Pressure Pipelines crossing a toll road in the Harris County Toll Road System shall be installed at the greater of the following depths: minimum of six (6) feet below the crown of the road, and a minimum of three (3) feet below the bottom of the roadside ditch. All measurements are from the top or bottom of the pipe and/or casing, whichever results in a greater separation depth. All High Pressure Pipelines must be cased and vented or have the equivalent protection in the design. Bore pits for High Pressure Pipeline installation shall be a minimum of thirty (30) feet from the nearest through traffic lane and not less than twenty (20) feet from the edge of the pavement. A professional engineer licensed to practice in the State of Texas must seal all High Pressure Pipeline Construction Drawings submitted and certify that the Construction Drawings meet all Federal and State requirements and guidelines for the specific design. Should pipelines meet the definition of Permanent Utilities those requirements shall govern.

All High Pressure Pipelines shall be located no less than five (5) feet from any structural appurtenance. This includes, but is not limited to, drilled shaft foundations, retaining walls and bridge deck.

All High Pressure Pipelines shall be located no less than two (2) feet from any Tolling Facility.

B. C. HCFCD

High Pressure Pipelines crossing HCFCD ROW will be evaluated on a case-by-case basis.

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SECTION 20 EXCAVATION AND BACKFILL

A. HC

Excavated spaces shall be properly backfilled as soon as possible, but no later than the same day before sunset unless given prior written approval from HC, HCTRA or HCFCD, as applicable. The ROW User shall remove from HC or HCFCD ROW any excavated materials found to be contaminated and dispose of the material in accordance with local, state and federal laws. Should any excavated materials be found to be contaminated, these contaminated materials will shall be removed from HC ROW and disposed of lawfully in accordance with local, state, and federal laws. New material with the equivalent soil characteristics to the surrounding soil will shall be brought to the site for backfilling. Properly backfilled means filled in such a manner that the compacted density is equal to or greater

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than that of the surrounding undisturbed soil. All backfill materials shall be free from large (greater than three [3] inches) lumps, wood, or other extraneous material. The backfill shall be placed in uniform layers not to exceed ten (10) inches in depth (un-compacted measurement), and each layer shall be compacted. Dry backfill material shall be wetted uniformly and shall be compacted by means of mechanical tampers or rammers, except that the use of compaction equipment of the type generally used in compacted embankments will be permitted on those portions that are accessible to such equipment. The County Engineer or HCTRA Executive Director, as applicable, may specify alternative backfill materials and methods on certain projects if deemed necessary. The backfilling shall be to the satisfaction of the County Engineer or HCTRA Executive Director, as applicable, and the appropriate Commissioner's Precinct, as appropriate.

Any back fill of a Permanent Utility shall be completed to Applicable Criteria.

B. HCFC

Refer to HCFC Applicable Criteria.

SECTION 21 PAVING

A. Paving for turn lanes, median openings, or road widening's shall be done in accordance with the Regulations of Harris County, Texas for the Approval and Acceptance of Infrastructure and the Harris County Standard Engineering Design Specifications for Construction and Maintenance of Roads. All pavement cuts and repairs shall be done by a contractor with experience in street repair work. Traffic control devices and placement shall comply with the current edition of the Texas Manual on Uniform Traffic Control Devices ("TMUTCD"). In the event HC notifies the ROW User of non-compliance with ~~the TMUTCD~~any federal, state, or local

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requirements, HC may require testing of materials used in construction in or near the ROW to determine conformance with HC specifications, including, but not limited to, compaction tests on backfill materials, subgrade, base, asphaltic concrete, Portland concrete, and other construction materials as deemed necessary by the County. The ROW User shall, at his expense, hire a testing laboratory with current accreditation by the American Association for Laboratory Accreditation, American Association of State Highway and Transportation Officials (AASHTO) or another nationally recognized accreditation agency that verifies compliance with ASTM E 329 and that demonstrates the laboratory's capabilities to perform applicable ASTM or AASHTO test procedures. The ROW User must submit the results ~~must be submitted~~ to the County Engineer's Office or HCTRA, as applicable, prior to the final inspection by Harris County, ~~by the ROW User~~.

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- B. Before HC releases bond, Applicant shall request a HC Inspection. Upon passing of the HC Inspection and release of the bond by HC, the Applicant shall guarantee and maintain all Work performed within the ROW for one (1) year after passing of the HC inspection

SECTION 22 MONUMENTS

- A. Monuments may be located at the main entrance to a subdivision and at secondary entrances. They must be within the boundaries of the subdivision/development they identify. Nothing in these R#rules shall be construed as restricting such authority as the County may have to remove or require the removal of any Monument within the ROW, whether or not constructed or maintained in conformance with these R#rules.

- B. One Monument per allowed location is authorized within the median in subdivisions platted and recorded after January 1, 2005. Signs located on fences or fence-type walls may be allowed with no more than two signs per entrance. Either wall signs or median signs may be utilized, but not both. (Refer to Regulations of On-Premise Signs in the Area of Municipal Extraterritorial Jurisdiction in Harris County for wall sign permits).
- C. The maximum message area size is seventy-five (75) square feet. The size is measured by boxing in the subdivision name lettering and any associated symbols. The maximum Monument height above top of curb is twelve (12) feet unless restricted by proximity to curb. See Figure 4 for proximity to curb requirements.
- D. The Monument shall be positioned such that it does not interfere with traffic visibility. Refer to the American Association of State and Highway Officials (AASHTO) for traffic visibility design criteria.
- E. Monuments shall not be placed in the ROW Corner Cut Back or in the visibility triangle.
- F. Monuments within Master-Planned Communities may vary from these requirements provided they do not exceed the equivalent amount of signage and are approved by the County Engineer.
- G. Monuments may be considered on medians of major thoroughfares provided that they meet all the requirements of these Rules and that the requestor dedicated the ROW and constructed the road.
- H. From the nose of the esplanade, maintain three-hundred-fifty (350) to four-hundred (400) feet of sight distance, based on three and one-half (3 ½) foot height of driver's

eye and thirty-five to forty (35-40) M.P.H. posted or actual vehicle speed. Along the entire esplanade, the edge of Monument must be six (6) feet or greater from the inside edge of curb. No Monuments with a height greater than three (3) feet measured from top of curb for (refer to Figure 4):

- i. thirty-five (35) feet from nose to esplanade and a ten (10) foot clearance on each side; or
 - ii. fifty (50) feet from nose of esplanade and a nine (9) foot clearance on each side; or
 - iii. one-hundred (100) feet from nose of esplanade and a seven (7) foot clearance on each side.
- I. Monuments containing lights which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled way from which the Monument is primarily viewed and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle, are prohibited.
 - J. Any permanent Landscape feature must conform to the above set back requirements when placed in the ROW.
 - K. Monuments may not be placed where the Person or entity requesting the placement does not own the underlying fee, unless written permission is obtained from the fee owner.
 - L. Monuments are not allowed in HCFCD ROW.

SECTION 23 SOIL BORING AND MONITORING WELL REQUIREMENTS

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- A. Construction Drawings submitted to HC ~~and HCTRA, as applicable, under these~~ Rules for the installation of soil boring(s) or monitoring well(s) shall include the proposed physical location(s) using a latitude and longitude coordinate as well as a site map with any proposed soil boring(s) or monitoring well(s) denoted. If during the installation of the soil boring(s) or monitoring well(s) a location needs to be altered due to unforeseen subsurface obstructions, the ROW User or Applicant shall submit an amended site map denoting the newly proposed latitude/longitude locations and obtain HC ~~or HCTRA, as applicable,~~ approval prior to installation at the altered location.
- B. ROW User shall install boring(s) and monitoring well(s) in accordance with state and federal requirements. The monitoring well(s) shall be flush mounted with a concrete collar and be secured/locked after each sampling event.
- C. ROW User shall remove all sampling and investigation-derived wastes from the HC or HCFCD ROW at the end of each Work day and dispose of them lawfully in accordance with federal, state, and local laws.
- D. ROW User or Applicant shall notify HC of any spills that occur in the HC or HCFCD ROW during performance of the Work, including installation of the monitoring well(s) or sampling events, as soon as possible, but not later than 24 hours of the spill. No later than 10 days after finalization, the ROW User or Applicant, will provide HC or HCTRA, as applicable, with any sampling data and/or reports related to clean-up or remediation of such spills in the HC and/or HCFCD ROW.
- E. No later than 30 days after written request from HC, HCTRA, and/or HCFCD, as applicable, Applicant shall plug and abandon the monitoring well(s) in accordance

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with the Texas Commission on Environmental Quality (TCEQ) rules. Additionally, any monitoring well that is no longer actively being sampled shall be properly plugged and abandoned in accordance with the TCEQ rules. ROW User or Applicant shall notify HC or HCTRA, as applicable, upon completion of the plugging of the monitoring well(s) and provide all documentation of the completed Work to HC or HCTRA, as applicable, within 14 days of completion of the plugging.

- F. ROW User or Applicant shall provide HC copies of any and all final soil and/or groundwater sampling results and soil and/or groundwater monitoring reports generated or acquired by the ROW User as a result of the Work conducted in the HC and/or HCFCD ROW.
- G. Upon request by HC or HCFCD, the ROW User shall immediately make available to HC or HCFCD a site specific Health and Safety Plan, if required by law.

SECTION 24 DAMAGE TO HC OR HCFCD ROW

A.B. Any damage to any HC or HCFCD ROW, or structures on or in the ROW shall be repaired immediately and restored to the condition that existed before the damage took place. All repair or restoration shall be at the sole cost and expense of the owner or operator of such Facility. The ROW user shall notify HCTRA immediately if a HCTRA structure is damaged. Damages must be repaired to the satisfaction of the County Engineer, District Engineer, or HCTRA Executive Director, or their representative.

C. Failure to repair damages sustained to HC or HCFCD ROW during performance of Work will be cause to notify the surety that provided the required bonds for the Work. The Work to be done pursuant to the Certificate and any repair and/or subsequent

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restoration of the ROW must be completed within the dates specified on the Certificate. In the event of circumstances beyond the control of the Applicant or when Work is prohibited by unseasonable or unreasonable conditions, HC may extend the dates upon receipt of a substantiated written request by the Applicant.

B.D. If activities of the ROW User cause any disruption to HCTRA fiber or tolling equipment or in any way affect HCTRA's ability to collect tolls, under the terms of the right of entry agreement ROW User shall be responsible for any and all damages stemming from that disruption, including, but not limited to, loss of revenue, loss of data, and costs of mitigation.

C.E. All earth materials, sidewalk, pavement, Utilities, conduits, crossing, irrigation, Landscaping, storm drainage Infrastructure, drainage features, Monuments, manhole covers, valve covers, meter box lids, or other improvements, which are damaged, disturbed, or removed by the ROW User shall be fully repaired promptly by the ROW User and/or Applicant to the reasonable satisfaction of HC, HCTRA, and HCFCD, as applicable.

D.F. After any Work or excavation, the ROW User shall restore the ROW, including but not limited to trench envelope, pavement structure, and surrounding areas to the same or better condition than it was prior to the excavation. The restoration shall be made in accordance with applicable HC, HCTRA, or HCFCD Applicable Criteria within 30 days and the repair shall endure without failure for one (1) year from the completion date of any repair.

E.G. If any excavation cannot be backfilled the same day before sunset, the ROW User shall securely and adequately cover the excavation and maintain proper traffic

barricades, safety fencing, and/or lights as required, from the time of the opening of the excavation until the excavation is completed for use.

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SECTION 25 VEGETATION MANAGEMENT

A. No Work shall be performed in such a manner as to destroy, damage, install, or remove any Landscaping within the HC or HCFCRD ROW unless prior approval has been received. To obtain approval, the Construction Drawings required in Section 79 must clearly show any existing Landscaping and any proposed modifications. Failure to follow this procedure might result in job shut down at the discretion of the County Engineer or HCTRA Executive Director, as applicable. Any damaged or removed Landscaping must be replaced with an equivalent amount, size, and quality at a location designated by the County Engineer, HCTRA Executive Director, or District Engineer, as applicable. Proper ground cover (turf grass) must be replaced when any significant areas are disturbed and the ground cover removed.

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B. HC

- i. If Landscaping is proposed in the ROW, the minimum requirements must be followed. No tree or shrub planting exceeding three (3) foot in height when mature shall be installed within two hundred (200) feet of any existing and/or proposed traffic signal pole or controller, regulatory or warning signs, or other traffic control devices. Refer to Section 13 of the Regulations of Harris County, Texas for the Approval and Acceptance of Infrastructure for Landscaping on private property.
- ii. At the nose of the esplanade, maintain three-hundred fifty (350) to four-hundred (400) feet of sight distance, based on three and one-half (3 ½) foot height of

driver's eye and thirty-five to forty (35-40) M.P.H. posted or actual vehicle speed. No plantings or Monuments with a height greater than three (3) feet measured from top of curb for (refer to figure 4):

- a. thirty-five (35) feet from nose to esplanade and a ten (10) foot clearance on each side; or
 - b. fifty (50) feet from nose of esplanade and a nine (9) foot clearance on each side; or
 - c. one-hundred (100) feet from nose of esplanade and a seven (7) foot clearance on each side.
- iii. Trees or bushes should not be located within twenty-four (24) feet of any existing and/or proposed traffic signal pole or controller, regulatory or warning signs, or other traffic control devices. No tree or shrub plantings exceeding one and one-half (1 ½) feet in height will be allowed within one-hundred -fifty (150) feet of a school crossing.
- iv. No Landscaping shall be placed so as to interfere with the visibility triangle.
- v. Along entire esplanade:
- a. Centerline of tree trunk must be six (6) feet or greater from the inside edge of curb.
 - b. Tree branches shall be trimmed and maintained to a minimum of twenty-four (24) inches from inside of curb to a height of fifteen (15) —feet from top of curb and in accordance with ANSI standards A-300 (American National Standards for Tree Care Operations.)

- c. No trees or plantings are allowed within ten (10) feet of a fire hydrant.
The fire hydrant should not be hidden from view from the street by vegetation or structures.
- d. Irrigation systems shall be positioned and directed so they do not spray upon the roadway or upon vehicles using the roadway systems.
- vi. For specimen trees twelve (12) inch caliper and larger, the ROW User engineer will provide a tree removal and replacement plan with the construction plans. Auger or tunnel construction methods under selected specimen trees must be used to the extent practicable. Replacement trees should generally have a minimum diameter of three (3) inch caliper as established by the American Association of Nurserymen. Trees twelve (12) inches and larger should be replaced with smaller trees being no less than three (3) inch caliper and totaling the equivalent caliper diameter of the removed tree.
- vii. Replacement of trees should generally be the same type as the removed tree, unless directed otherwise by the County Engineer, HCTRA Executive Director, as applicable, or appropriate Precinct designee during the plan review. Specimen trees located in the ROW and adjacent to the contractor's Work area are to be fenced with four (4)-foot high orange safety fencing. The limits of the fencing will be coordinated with a landscape professional and the appropriate Precinct designee and approved during plan review. Specimen trees smaller than twelve (12) inches will be transplanted within the County's ROW as directed by the County Engineer, HCTRA Executive Director, as applicable, or the appropriate Precinct designee during the plan review.

viii. The ~~ROW User engineer~~ will utilize a Landscape Professional when necessary for the preparation of the tree removal and replacement plan. A Landscape Professional is defined to be an Urban Forester, ~~Registered licensed~~ Landscape Architect licensed in the State of Texas, Certified Arborist or similar qualified professional.

C. HCFC

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Provide Landscaping plans sealed by a ~~Registered licensed~~ Landscape Architect licensed in the State of Texas detailing any vegetation management activities proposed with HCFC ROW.

- i. Addition of Environmental Features
 - a. For the proposed addition of environmental features such as Landscape plantings, refer to Applicable Criteria .
 - b. Install Best Management Practices and establish turf to bare ground areas as soon after construction activities are complete. Establish turf in accordance with Applicable Criteria.
- ii. Tree Protection
 - a. Protect trees to be preserved from construction damage by installing “tree protection zones” prior to commencing construction activities. Refer to Applicable Criteria.
 - b. Show all trees to be protected on the Landscape plan drawings, include method of protection in the detail sheet.
- iii. Tree Removal

Provide a tree replacement plan for all desirable trees designated to be removed. Tree replacement will be inch for inch of the same or similar species.

- iv. Tree Pruning
 - a. Pruning of trees for vehicular or equipment access should only be done by Texas licensed and bonded tree care professionals. Prune only the minimum amount to gain access to the Facility, do not remove more than ¼ of the tree's canopy.
 - b. Prune trees in accordance with the ANSI-A300 Standard Practices for Tree Pruning guidelines.

SECTION 26 LIABILITY

The owner of any Facility shall ~~indemnify, defend save~~ and hold harmless HC, and HCFCD, ~~their officers, directors, agents, employees, successors and assigns~~ from and against ~~any and all claims and any and all liability that arises or may arise due to any the activities of the owner of the Facility, its agents, or employees, that arises or may arise from any activity the owner, its agents, servants, employees, or~~ contractors ~~that are performed may conduct on any the HC or HCFCD ROW premises.~~ The owner of any Facility shall also indemnify, defend and hold ~~save~~ harmless HC and HCFCD, ~~their officers, directors, agents, employees, successors and assigns the County~~ from and against any and all expenses, including reasonable attorney's fees, which might be incurred by HC and HCFCD ~~the County~~, in litigation or otherwise resisting said claims and liabilities.

SECTION 27 VARIANCES

Requests for a Variance from the requirements herein may be submitted for consideration when based on sound engineering practice. Individuals requesting a Variance shall do so in writing clearly stating the provision(s) they want to vary from and why they need the requested Variance. They must also explain how they will provide equivalent measures to the provision from which they wish to vary or why the requirement

in the Rules is not applicable to their project. The Variance shall also include any other supplemental information requested.-

The Variance will provide equivalent measures to the rule or criteria and why the requirement in the Rules is not applicable to the Work.

The denial of a variance request may be appealed in accordance with Section 354 of these Rules. Any such appeals must be filed no later than 30 days after receipt of the determination.

SECTION 28 CONSTRUCTION PER DRAWINGS

All Work must be performed in accordance with the approved Construction Drawings. Any deviations to the approved Construction Drawings must be submitted to HC and must be approved prior to commencing Work.

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SECTION 29 INSPECTIONS

A. HC, HCTRA, or HCFCD, as applicable, will determine, at their sole discretion, when additional inspections will be required during Work. Additional inspections will be required, at a minimum, prior to placement of bedding, backfill, or paving, prior to initiation of tunneling or boring operations, or placement of drainage infrastructure, and upon completion of Work included within the approved Construction Drawings. Contact information for notifying HC, HCTRA and HCFCD, as applicable, to request a final inspection are provided in the approved Construction Drawings and Certificates.

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B. HC, HCTRA or HCFCD Inspectors, as applicable, -will be authorized to inspect all Work within the ROW and all materials that are proposed to be placed in the ROW. Such inspections may extend to all or any part of the Work performed within the

ROW. The County Engineer has the authority to order the immediate cessation of any Work in the ROW if he or she deems it is a threat to the health, safety, or well-being of the public by suspending the Certificate as provided in Section 32. The HC, HCTRA or HCFCD Inspector, as applicable, must inspect any Work performed prior to bedding, backfilling, placement of concrete paving or asphaltic concrete paving, or placement of drainage Infrastructure. The County Engineer or his designee and the HCTRA Executive Director, as applicable, have the authority to order the immediate cessation of any Work in the ROW if they deem it is a threat to the health, safety, or well-being of the public. by suspending the Certificate as provided in Section 32. The County Engineer or his designee or the HCTRA Executive Director, as applicable, may order the immediate cessation of any Work if the ROW User does not have a Certificate.

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C. Failure to contact HC, HCTRA, or HCFCD in accordance with Section 15 will be considered non-compliant with the terms of the Certificate and these Rules. HC, HCTRA, or HCFCD, as applicable, may require the removal of any part of or all of the Work, including Utility or paving that was constructed within the ROW.

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SECTION 30 AS-BUILT DRAWINGS

Upon completion of construction, Applicant shall submit As-Built Drawings to HC. The As-Built Drawings must be signed and sealed by a registered Professional Engineer or registered Landscape Architect, as appropriate, licensed in the State of Texas.

SECTION 31 ENFORCEMENT

A. It is a violation of these Rules if a Person fails to follow any of the above listed provisions. Entry upon HC or HCFCD ROW is expressly conditioned upon

compliance with these Rules and accurate representation to the County or District Engineer or HCTRA Executive Director concerning the activity to be undertaken on HC or HCFCF ROW. A violation of these Rules constitutes a Class C misdemeanor and the County Engineer and HCTRA Executive Director may seek to obtain enforcement of said Rules on behalf of HC, ~~HCTRA~~ or HCFCF in the appropriate Justice of the Peace Court. Additionally the County Engineer ~~and HCTRA Executive Director~~ may refer violations of these Rules to the County Attorney for injunctive relief and/or a civil penalty.

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SECTION 32 CERTIFICATE SUSPENSION PROCEDURES

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Certificates shall be suspended in accordance with the following provisions:

- A. A Certificate is suspended when the County Engineer or his inspector advises the Applicant or ROW User that the Certificate is suspended and/or posts a written suspension notice at the jobsite.
- B. The following actions by the Applicant or ROW User are grounds for suspension of the Certificate:
 - 1. Non-compliance with these Rules;
 - 2. Non-compliance with any requirements in a Certificate;
 - 2. Deviating from the approved Construction Drawings and refusing to make required corrections;
 - 3. Warning or other traffic control procedures or equipment do not comply with TMUTCD;
 - 3. The Work is causing a public health, environmental, flood, or safety hazard.

4. Any grounds for revocation of a Certificate as outlined in Section 33.

- C. When the suspension notice is posted, the ROW User must immediately suspend all Work on the job except the Work necessary to abate the suspension. The suspension will be abated when the corrective Work is performed and has passed inspection. The abatement will be evidenced by the removal of the suspension notice by the County Engineer or his inspector that the Work has now been re-inspected and passed. The suspension notice shall not be removed by any person other than the County Engineer or his inspector and removal by any other person will be ineffective.

SECTION 33 CERTIFICATE REVOCATION

Grounds for a Certificate revocation are as follows:

- A. Material deviation from the Construction Drawings on file with the County Engineer, or a pattern of consistent deviation from such drawings and specifications which would demonstrate an intention to avoid conformity with the requirements of the Certificate or these Rrules.
- B. Proceeding with work while the Certificate is suspended, other than such Work necessary to abate the suspension.
- C. An act or acts of violence or threat or threats of violence against the County Engineer, District Engineer, or HCTRA Executive Director, or their inspectors on or off the Work site for the purpose of intimidating the County Engineer, the District Engineer, the HCTRA Executive Director, or their inspectors, so that they will not perform their inspection duties.
- D. Falsifying or submitting misleading information in the Certificate Application.

SECTION 34 CERTIFICATION REVOCATION PROCEDURES

Certificates shall be revoked in the following manner:

- A. The County Engineer shall file a complaint stating the reason for Certificate revocation with ~~at~~the Hearing Examiner to be appointed by Commissioners Court.
 - 1. The Examiner will set a hearing as soon as practicable, but not more than within thirty (30) days from the date the ROW User received notice that a complaint was filed of receiving the complaint.
 - 2. The Examiner will deliver the original Complaint and Hearing Notice to the Clerk of Commissioners Court to be filed, give one copy to the County Engineer, and designate an appropriate person as Serving Agent and give two copies to him or her.
 - 3. The Serving Agent will take the two copies of the Complaint and Hearing Notice to the site where he will:
 - a. Hand one copy of the Complaint and Hearing Notice to the Applicant, or
 - b. If the Applicant is not an individual or cannot be found on the site, the Serving Agent will hand one copy of the Complaint and Hearing Notice to the person on the site who appears to be in charge, or
 - c. If no person can be found on the site, the Serving Agent will post the Complaint and Hearing Notice over the Certificate and/or Notice of Suspension posted at the job. Upon posting of

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the Complaint and Hearing Notice, the Certificate shall be suspended.

4. The Serving Agent will fill in the return on the remaining copy, noting on it the date, time, and manner in which he perfected service, and sign the return and return the remaining copy to the Hearing Examiner.
5. At the time set for hearing, if the return copy of the Complaint has been returned to the Hearing Examiner by the serving agent, and reflects that service has been perfected, the Examiner may proceed with the hearing.
6. Hearings will be conducted before the Hearing Examiner in the manner provided for by Section 35 of these Rules, ~~before the Hearing Examiner appointed by Commissioners Court and the~~ Examiner may delegate responsibilities of Hearing Examiner to his Assistant. The Examiner's decision and review by Commissioners Court are governed by Section 35.

SECTION 35 APPEALS AND HEARING PROCEDURES AND REVIEW BY COMMISSIONERS COURT

- A. If an Applicant is denied a Certificate, has his Certificate suspended, or is denied a variance request, he may appeal the denial or suspension as provided in this Section. The term "appellant" is used to refer to the appealing party. An appellant must seek his remedy under this procedure before seeking his remedy in court. Application for

a Certificate is deemed to be a waiver of the right to challenge these Rules before exhausting remedies herein provided. The appeals process is as follows:

- (1) Appeals are initiated by the making of complaint with or by requesting an exception to the Rules from the Hearing Examiner in writing.
- (2) The Hearing Examiner will set a time for a hearing, which will be scheduled as soon as practicable but within thirty (30) days of the receipt of the written complaint or request, and shall prepare a Notice of Public Hearing naming the time and date of the Hearing. Copies shall be distributed as follows:
 - a. The original copy and the Certificate to Commissioners Court will be filed with the Clerk of Commissioners Court and the Clerk will prepare a file for the Hearing Notice.
 - b. The Examiner will set up his own working or hearing file, in which he will keep one copy.
 - c. The Examiner will give one copy to the Appellant.
 - d. The Examiner will deliver one copy to the County Engineer. The Hearing will be conducted as provided in this Section ~~in Section 34(B) herein~~.
- (3) Appeal of a suspension will not abate the suspension pending the decision of the Hearing Examiner.

B. At Hearings before the Examiner, the Examiner will hear the testimony of the County Engineer and any witnesses called by the County Engineer. The Examiner will hear the testimony of the appellant and any witnesses called by the appellant. The Examiner will review all documents and exhibits submitted to him by the parties. The

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Examiner will not be bound by formal rules of evidence and will control the evidence, reserving to himself the power to exclude testimony or exhibits he does not consider relevant. The Hearing Examiner will maintain an accurate record of the evidence adduced at the Hearing.

- C. The Examiner will prepare a written decision within three (3) working days of the Hearing. A copy of his decision will be filed with the Clerk of Commissioners Court, the members of the Commissioners Court, and with the County Engineer. The original will be sent to the appellant's address shown on the Certificate or application.
- D. If a variance is granted, the County Engineer shall prepare the appropriate certificate with any special requirements that may be required by the conditions of the variance.
- E. If the County Engineer or the appellant wishes to appeal the Examiner's decision, a written objection must be filed with the Clerk of Commissioners Court within ten (10) days from the date the Examiner's decision is filed. The Clerk will notify the Hearing Examiner who will place the matter on the Agenda of Commissioners Court for review at the next meeting of Commissioners Court. If the County Engineer files the objection, notice that the matter is on the agenda will be sent to the appellant by mail at the appellant's address shown on the Certificate or application. Commissioners Court will review the matter. The Commissioners Court may either affirm or reverse the decision of the Hearing Examiner. A suspension of a permit upheld by the Hearing Examiner will not be abated pending the review of Commissioners Court.

SECTION 36 VIOLATION OF CONDITIONS OF RULES

Any Person having knowledge of a violation of these Rules may file a complaint with Commissioners Court. If the County Engineer, ~~HCTRA Executive Director, or District~~

~~Engineer or another County or District official files~~ the complaint, the County Attorney will prosecute the complaint.

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SECTION 37 CONTEMPT OF COMMISSIONERS COURT

Violation of these Rules constitutes contempt of Commissioners Court. Commissioners Court may punish contempt by fine or imprisonment in accord with the provisions of Section 81.024 of the Texas Local Government Code, as amended. Any Person authorized by the County Engineer ~~to~~ perform Work within HC or HCFCD ROW does so on the representation to Commissioners Court that he will comply with these Rules and other County ~~Regulations or District Applicable Criteria~~ Rules and Regulations.

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Violations of such representations constitute contempt of Commissioners Court. If Commissioners Court finds the defendant guilty of contempt, it will enter such Orders consistent with general law necessary to enforce and protect its jurisdiction over the matter, and to uphold the integrity of these Rules. Such Orders are enforceable by civil or criminal contempt. Procedures for contempt proceedings before Commissioners Court will be consistent with procedures in actions before other courts in this State for enforcement of Court Orders, and for the protection of the jurisdiction of Courts by the process of contempt.

SECTION 38 SEVERABILITY

If any provision, section, subsection, sentence, clause or phrase of these Rules might otherwise be invalid, illegal, or unenforceable in any respect, it should be construed as being limited in scope and apply to only those circumstances to which it can legally apply. To the extent that any provision or part thereof is still found to be invalid, illegal, or unenforceable in any respect it shall not affect any other provision.

RULES OF HARRIS COUNTY AND THE HARRIS COUNTY FLOOD CONTROL DISTRICT FOR THE CONSTRUCTION OF UTILITIES WITHIN HARRIS COUNTY AND HARRIS COUNTY FLOOD CONTROL DISTRICT RIGHTS-OF-WAY

TABLE I – BONDS

BOND AMOUNT for Work in HC ROW

\$5,000.00 Road Crossing other than storm sewer bores, tunnels, median modifications, turn lanes, roadway open cuts or widenings.

\$8.00 Per Linear Foot, other than irrigation

\$2.00 per foot for irrigation line installation in ROW

\$80,000.00 or 100% of the construction costs whichever is greater – Per Traffic Signal

\$40,000 or 100% of the construction costs whichever is greater – Per median modification, turn lane, road widening, storm sewer bore, tunnel or roadway open cut

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BOND AMOUNT for Work in HCFCD AND HCTRA ROW

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CONSTRUCTION COST OF WORK IN HCFCD ROW	MINIMUM BOND AMOUNT REQUIRED
<u>\$25,000.00 or Less</u>	<u>\$25,000.00</u>
<u>More than \$25,000.00</u>	<u>100% of Construction Cost</u>

CONSTRUCTION COST OF WORK UNDER, ACROSS OR OVER TOLL ROADS IN THE HCTRA TOLL ROAD SYSTEM	MINIMUM BOND AMOUNT REQUIRED
<u>\$50,000.00 or Less</u>	<u>\$50,000.00</u>
<u>More than \$55,000.00</u>	<u>100% of Construction Cost</u>

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TYPE OF BONDS

One of the following bonds payable to HC shall accompany such application as described in Section 103: A bond with two good and sufficient personal sureties, a corporate surety bond, or a personal bond, if acceptable to the Commissioners Court of Harris County, Texas, acting in its sole discretion upon proof being furnished to the satisfaction of said Court as to the financial responsibility of such individual or entity desiring to make such crossing and/or crossings, for each

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crossing of such Facility over a HC or HCFCD ROW or for each one mile or part of one mile such Facility runs parallel with and within the boundaries of such HC or H C F C D R O W .

In the event the construction of one continuous Facility is to be made in, over, across, and along several HC or HCFCD ROW, one such bond covering all construction of such Facility in, under, across, or along the several HC road or HCFCD ROW affected by such continuous Facility construction.

One perpetual bond, executed solely by such individual or entity, if acceptable to the Commissioners' Court of Harris County, Texas, acting in its sole discretion, upon proof being furnished to the satisfaction of said Court as to the financial responsibility of such individual or entity; such perpetual bond to cover all Facilities thereafter laid across or along any HC road or HCFCD ROW in Harris County, Texas under the jurisdiction of the Commissioner's Court of Harris County, Texas

The amount and terms of each of the above bonds shall be determined by the schedule above or by the County Engineer of Harris County, Texas and each of the above bonds shall be conditioned on the Utility or Utilities covered thereby being constructed, maintained and repaired so as to comply with the herein established minimum requirements and conditions for such laying, constructing, maintaining, and repairing of such Utility or Utilities in, under, across and along such HC road or HCFCD ROW.

BOND FORMS

All bond forms are to be promulgated by the County Engineer of Harris County, Texas.

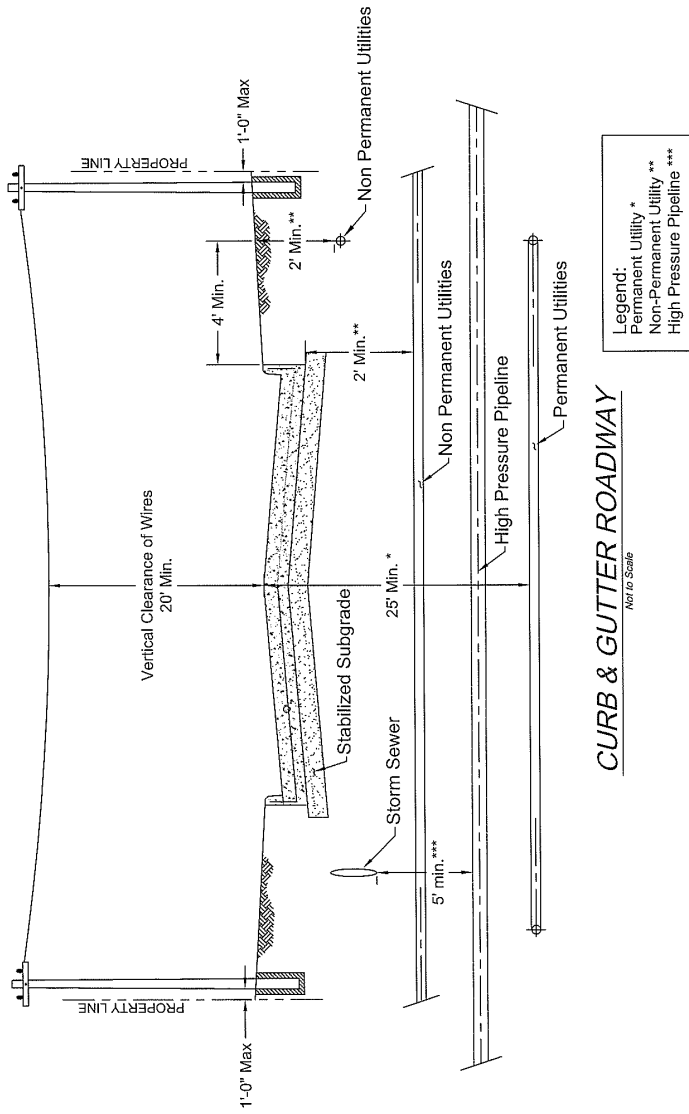
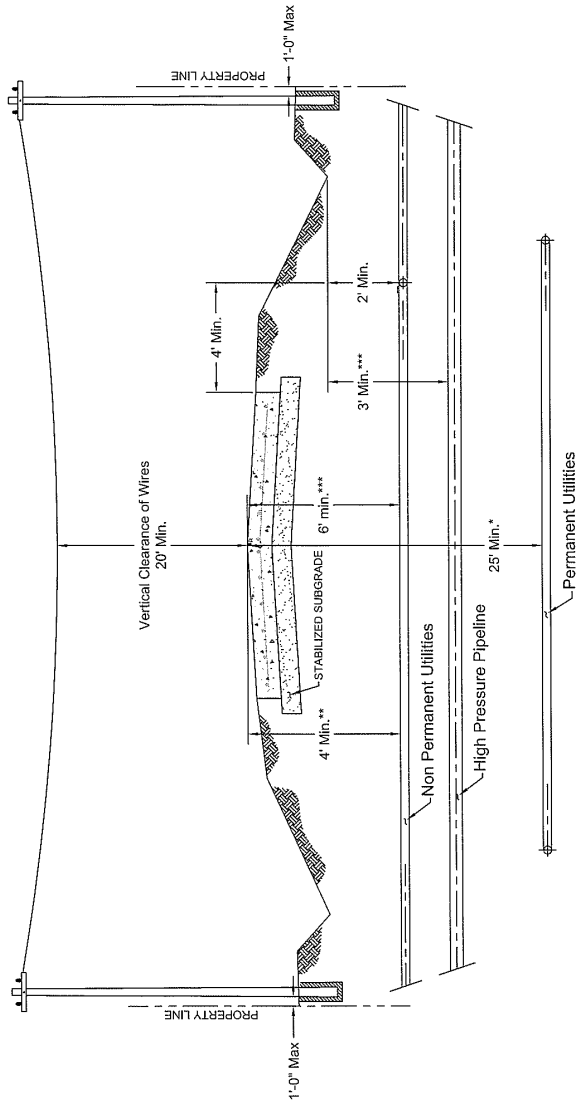


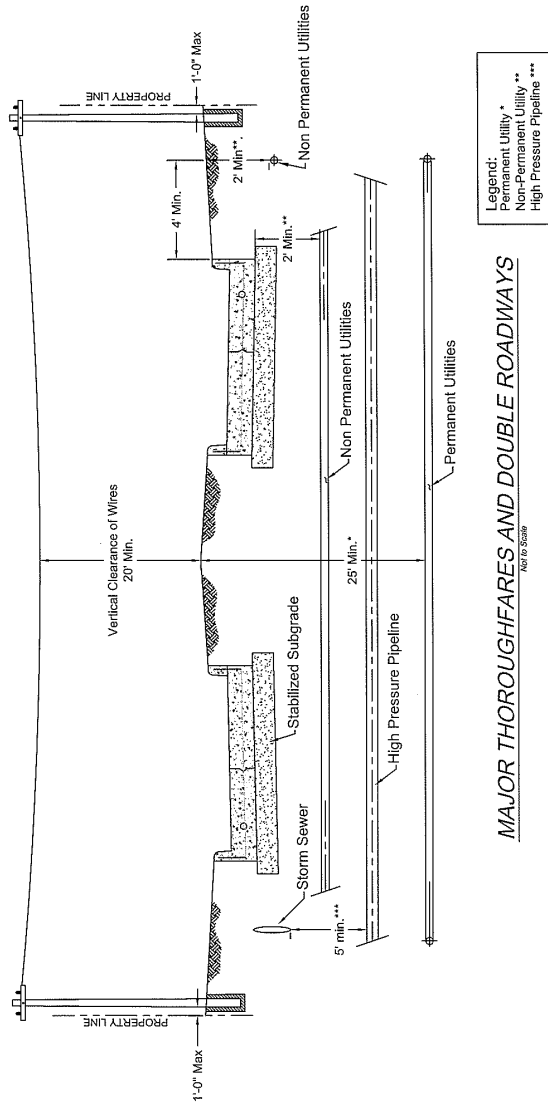
Figure 1



Legend:
 Permanent Utility *
 Non-Permanent Utility **
 High Pressure Pipeline ***

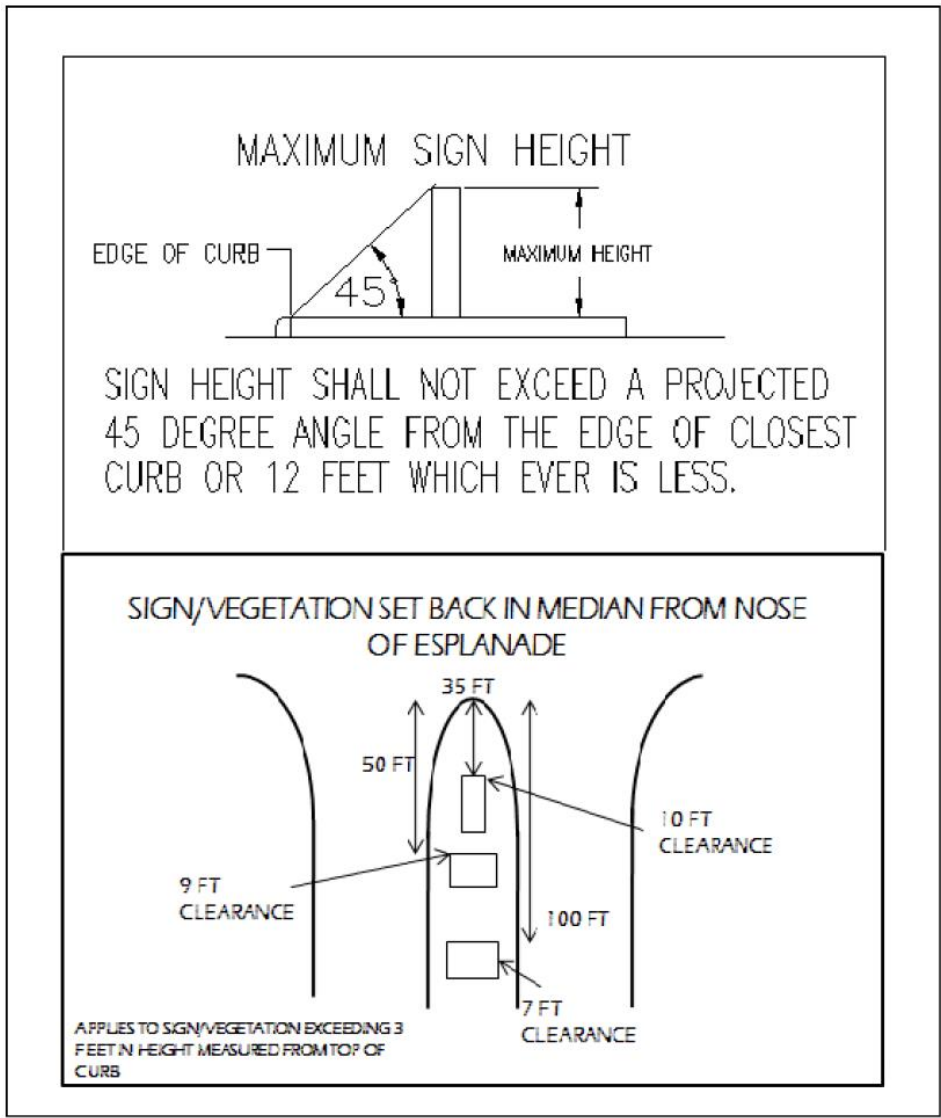
OPEN DITCH ROADWAY
NOT TO SCALE

Figure 2



MAJOR THOROUGHFARES AND DOUBLE ROADWAYS
Figure 3008

Figure 3



CLEARANCE measured from back of curb to edge of the sign or vegetation.

Figure 4