

Rd. No.

2021 RIGHT OF WAY USE AND INDEMNIFICATION AGREEMENT

To Howard County Commissioners' Court c/o Howard County Road & Bridge Engineer	Date
Formal notice is hereby given that	, (Owner Company or Individual hereafter
known as "Applicant"), proposes to contract with	("Installer") to place

An underground facility across a Howard County road. Refer to specification section I

□ An underground facility parallel and inside a Howard County road (cannot be under travel way or clear zone). Refer to specification section I

A temporary facility across the top of a Howard County road. Refer to specification section II

A temporary facility parallel, inside, and on a Howard County road (cannot be under travel way or clear zone). Refer to specification section II

A commercial driveway or temporary commercial driveway to a Howard County road. Refer to specification section III

□An overhead facility across a Howard County road. Refer to specification section IV

□ An overhead facility parallel and inside a Howard County road. Refer to specification section IV

We will construct and maintain the above referenced line on the county right of way as shown on the attached drawing marked Exhibit A, and in accordance with the rules, regulations and policies of Howard County, and all governing laws, including but not limited to the "Texas Engineering Practice Act", "Federal Clean Water Act", the "National Endangered Species Act", "Americans with Disabilities Act", and the "Federal Historic Preservation Act". Upon request by Howard County Road & Bridge (HC R&B) at any time, we will submit to HC R&B proof of compliance with all governing laws, rules and regulations. We understand that HC R&B does not purport hereby to grant any right, claim, title or easement in or upon county road right of way. We further certify that we have contacted and have the support of all adjoining land owners and understand that this document is subject to open records requests.

We have read and will adhere to the specifications of the relevant section (I thru IV) for our facility and complete an application for each instance that our facility will be placed within Howard County's Right of Way. We understand that each instance requires the payment of the \$400 non-refundable administration fee.

WHEREAS, Howard County has consented to said operation by Applicant but seeks indemnification from said Applicant, their successors and assigns, from any and all liability which Howard County might hereinafter incur by reason of such road bore being constructed, operated, maintained, replaced or removed;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Applicant, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby covenant and agree to fully indemnify and hold harmless Howard County, its agents, employees and elected officials, from any and all claims which might hereinafter be asserted against them, or any one of them, by any person, entity or governmental agency, premised upon allegations and/or claims that one or more of said Indemnities is liable and/or responsible, in whole or in part, for damages, demands, and/or causes of action with respect to damages to property, injury to or death of persons, livestock, or other living things, natural resource damages, CERCLA response costs, environmental remediation and restoration costs, or fines or penalties, arising out of or attributable to acts or omissions of Indemnitor in the construction, maintenance, operation or removal of said pipeline. Such indemnification by Applicant ("Indemnitor") of Howard County ("Indemnitee") shall include but not be limited to

claims asserting a violation of a failure to fulfill duties imposed by, or an incurrence of liability under, any Environmental Laws or under any principal of common law relating to duties to protect or not unduly disturb human health or environmental quality.

It is further agreed and understood that in the event it becomes necessary after the date of this agreement for the said county roadway to be widened or improved in any way, Applicant will indemnify Howard County for its expenses incurred in connection therewith for adjusting or moving the pipeline in the said county roadway so as to conform to the widened or improved road.

Applicant shall repair the roadway to the condition that existed prior to commencement of the work on or around the roadway; and in the event any of the cut sections of the identified County Road should sink or drop within a five-year period after the above mentioned repair of such section, the applicant will be responsible for all costs incurred in connection with the adjustment and repair of such sections.

Applicant understands and agrees that their work is subservient to the safety needs of the traveling public and will shut down any portion of the their facility or the entire project as directed by Howard County Road & Bridge until corrections can be made. Howard County Road & Bridge understands that the applicant has expenditures associated with stopping work and will utilize that option only when necessary.

By signing as/for the Applicant below, I certify that I am authorized to represent the Applicant, that my agreement to the provisions and requirements included in this Request, and that our commencement of construction will further attest to review and acceptance of said provisions and requirements.

Applicant ("Facilit with authority to s pipe, power, e	sign for fa	cility [i.e.
Date:		
Ву:		
Signature of Owner/ Owne	er's Represen	tative:
Title:		
Address:		
City Phone: () -	State	Zip Code
Email:		

Assured by Use and County
Approved by Howard County
Signature:
Brian J. Klinksiek, P.E., Road & Bridge Engineer Date:

Check Here indicates - Additional requirements place by County after submission for permit to be valid. See Explanation Below:



Section IV Overhead Facility Permit Application Modified 5-6-2021

Perpendicular Installation: Applicant shall install facility with a minimum height above roadway of 20 feet.

G	LOBAL POSITION SYSTEM COORDINATI	ES					
LATITUDE LONGITUDE							
LOCATION							

Parallel Installation: Applicant shall install facility with a minimum offset from travelway of 12 feet.

GLOBAL POSITION SYSTEM COORDINATES						
	LATITUDE	LONGITUDE				
BEGIN						
END						

Contractor Prepared Application (Row Use agreement must be signed by an Owner/ Owner agent)

Permanent Responsible Contact Name (for problems in 1 + years **not the installer**):______

Contact Email:	Contact Phone:

Underground Facility is being constructed for the purpose of:

County Use Only Below: Additional requirements for approval (check indicates required work):

Applicant to reestablished vegetation

Verification Construction Requirements were met:

Applicant to reestablished vegetation

Section IV Overhead Facility Specifications



1. DESCRIPTION

Specification to construct a permanent perpendicular or parallel overhead facility within the Right of Way of Howard County.

2. FACILITY TYPES

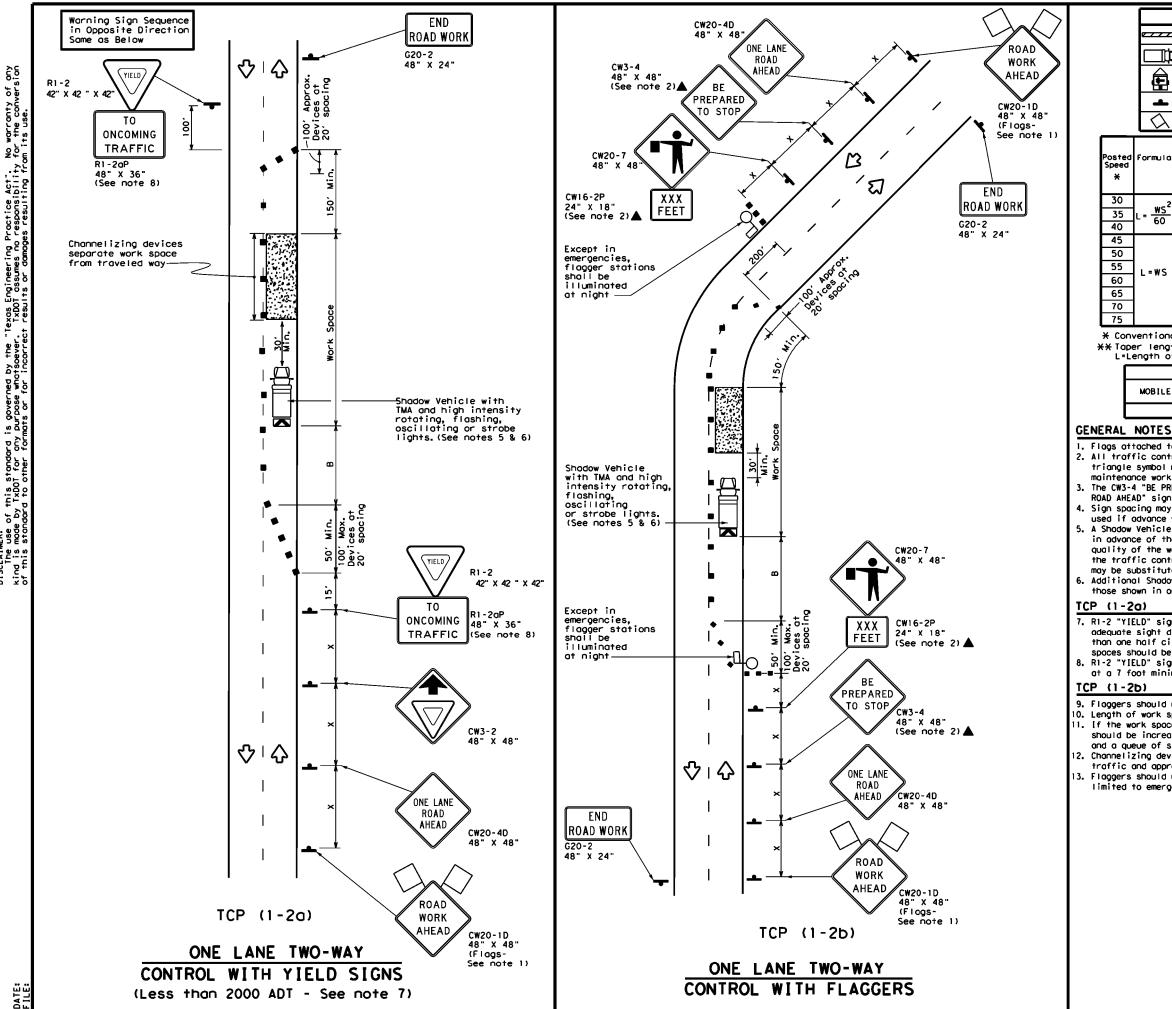
- 2.1. **Crossing Perpendicular to Roadway**. Facility (i.e. line) will be placed across a Howard County Roadway with a minimum height of 20 feet. Must meet construction information below and complete Section IV Application. No additional required information to be attached, facility layout appreciated
- 2.2. **Parallel to Roadway**. Facility (i.e. line) will be placed alongside a Howard County Roadway with a minimum horizontal offset of 12 feet from the edge of travel way. This is to meet the FHWA clear zone for local roadway to allow arrant traffic a recovery area. Must meet construction information below and complete Section IV application. No additional required information to be attached, facility layout appreciated

3. EQUIPMENT

Provide machinery, tools, and equipment necessary for proper execution of the work.

4. CONSTRUCTION

- 4.1. **Traffic Control**. Provide proper signage to include but not limit to "Road Work Ahead", "Be Prepared To Stop", "Stop" Signs. If signs are for day use only, folded over and remove from clear zone of Roadway (12 foot from edge of travel lane) each evening. If signs are left overnight they must meet criteria shown on sheets BC(4)-13 & BC(5-13). Failure to have proper sign is proper reason for Howard County to halt operations in its Right of Way. Applicant is responsible to monitor and maintain sign from weather, theft, vandalism etc.
- 4.2. **Temporary Stockpiles**. Temporary stockpiles that are left in Howard County ROW must be delineated with reflective barrels. This includes stockpiles of tires left for machine crossings.
- 4.3. **Notification, Inspection, and Vegetation**. 24 hours before beginning work notify Howard County Road & Bridge Administration of the impending work at 432-264-2208. Howard County reserves the right to inspect the work for compliance to these specifications. After completing work reestablish vegetation to level similar to existing condition before work was started.



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	10' Offset	11' Offset	12' Offset	On a Taper	On a Tangen	t	Distance	-B	
2	150'	1651	180'	30'	60 <i>'</i>		120'	90,	200 <i>'</i>
$L = \frac{WS^2}{60}$	205'	225'	245'	35'	70'		1601	120'	250 <i>'</i>
60	265′	295'	320'	40′	80'		240'	1551	3051
	450'	495′	540'	45'	90'		320'	1951	360'
	500'	550'	600 <i>'</i>	50 <i>'</i>	100'		400'	240′	425'
L=WS	550'	605 <i>'</i>	660'	55′	110'		500'	295′	495'
- "3	600'	660'	720'	60'	120'		600'	350′	570'
	650'	715′	780'	65′	130'		700 <i>'</i>	410′	645'
	700'	770'	840'	70'	140'		800'	475'	730'
	750'	825'	900'	75'	150'		900'	540 <i>'</i>	820'

* Conventional Roads Only

** Toper lengths have been rounded off.

L=Length of Taper (FT) W=Width of Offset (FT) S=Posted Speed (MPH)

TYPICAL USAGE						
MOBILE	SHORT DURATION	INTERMEDIATE TERM STATIONARY	LONG TERM STATIONARY			

Flags attached to signs where shown are REQUIRED.

2. All traffic control devices illustrated are REQUIRED, except those denoted with the triangle symbol may be omitted when stated elsewhere in the plans, or for routine maintenance work, when approved by the Engineer.

3. The CW3-4 "BE PREPARED TO STOP" sign may be installed after the CW20-4D "ONE LANE ROAD AHEAD" sign, but proper sign spacing shall be maintained.

4. Sign spacing may be increased or an additional CW20-1D "ROAD WORK AHEAD" sign may be used if advance warning ahead of the flagger or R1-2 "YIELD" sign is less than 1500 feet. 5. A Shadow Vehicle with a TMA should be used anytime it can be positioned 30 to 100 feet in advance of the area of crew exposure without adversely affecting the performance or quality of the work. If workers are no longer present but road or work conditions require the traffic control to remain in place. Type 3 Barricades or other channelizing devices may be substituted for the Shadow Vehicle and TMA.

Additional Shadow Vehicles with TMAs may be positioned off the paved surface, next to those shown in order to protect wider work spaces.

7. R1-2 "YIELD" sign traffic control may be used on projects with approaches that have adequate sight distance. For projects in urban areas, work spaces should be no longer than one half city block. In rural areas on roadways with less than 2000 ADT, work spaces should be no longer than 400 feet.

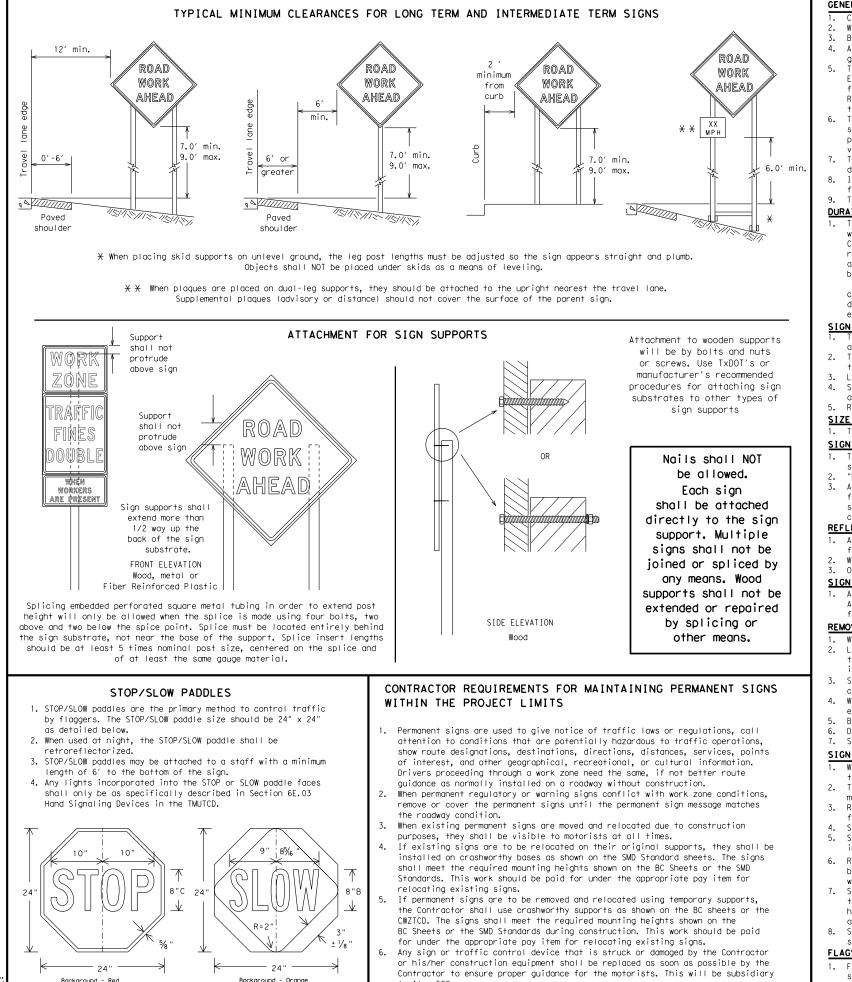
8. R1-2 "YIELD" sign with R1-20P "TO ONCOMING TRAFFIC" plaque shall be placed on a support at a 7 foot minimum mounting height.

9. Flaggers should use two-way radios or other methods of communication to control traffic. 10. Length of work space should be based on the ability of flaggers to communicate. 11. If the work space is located near a horizontal or vertical curve, the buffer distances should be increased in order to maintain adequate stopping sight distance to the flagger and a queue of stopped vehicles (see table above).

12. Channelizing devices on the center-line may be omitted when a pilot car is leading traffic and approved by the Engineer.

3. Flaggers should use 24 STOP/SLOW paddles to control traffic. Flags should be limited to emergency situations.

TRAFFIC CONTROL PLAN ONE-LANE TWO-WAY TRAFFIC CONTROL TRAFFIC CONTROL TCP (1-2) - 18 FILE: tcp1-2-18. dgn DN: CKI DWI CKI © TXDOT December 1985 CONT SECT JOB HIGHWAY 4-90 4-98 DIST COUNTY SHEET NO.	Texas Department	of Tra	nsp	ortation		Traffic Operations Division Standard
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GENERAL NOTES FOR WORK ZONE SIGNS

- Wooden sign posts shall be painted white. Barricades shall NOT be used as sign supports.
- quide the traveling public safely through the work zone.

- verify the correct procedures are being followed.
- damaged or marred reflective sheeting as directed by the Engineer/Inspector.

for identification shall be 1 inch. The Contractor shall replace damaged wood posts. New or damaged wood sign posts shall not be spliced.

- regard to crashworthiness and duration of work requirements. a. Long-term stationary - work that occupies a location more than 3 days.
- b. more than one hour.
- Short-term stationary daytime work that occupies a location for more than 1 hour in a single daylight period.
- Short, duration work that occupies a location up to 1 hour. d. Mobile - work that moves continuously or intermittently (stopping for up to approximately 15 minutes.)

SIGN MOUNTING HEIGHT

- as shown for supplemental plaques mounted below other signs.
- 2. The bottom of Short-term/Short Duration signs shall be a minimum of 1 foot above the pavement surface but no more than 2 feet above the around.
- Long-term/Intermediate-term Signs may be used in lieu of Short-term/Short Duration signing.
- appropriate Long-term/Intermediate sign height.

SIZE OF SIGNS

- SIGN SUBSTRATES
- centers. The Engineer may approve other methods of splicing the sign face.

REFLECTIVE SHEETING

- for rigid signs or DMS-8310 for roll-up signs. The web address for DMS specifications is shown on BC(1).
- White sheeting, meeting the requirements of DMS-8300 Type A, shall be used for signs with a white background.

SIGN LETTERS

first class workmanship in accordance with Department Standards and Specifications.

REMOVING OR COVERING

- When sign messages may be confusing or do not apply, the signs shall be removed or completely covered.
- intersections where the sign may be seen from approaching traffic. Signs installed on wooden skids shall not be turned at 90 degree angles to the roadway. These signs should be removed or completely covered when not required.
- When signs are covered, the material used shall be opaque, such as heavy mil black plastic, or other materials which will cover the
- Burlap shall NOT be used to cover signs.
- Duct tape or other adhesive material shall NOT be affixed to a sign face.

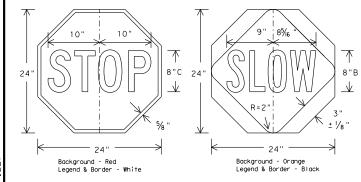
SIGN SUPPORT WEIGHTS

- 1. Where sign supports require the use of weights to keep from turning over, the use of sandbags with dry, cohesionless sand should be used. The sandbaas will be tied shut to keep the sand from spilling and to
- maintain a constant weight.
- Rock, concrete, iron, steel or other solid objects shall not be permitted for use as sign support weights.
- Sandbags should weigh a minimum of 35 lbs and a maximum of 50 lbs. Sandbags shall be made of a durable material that tears upon vehicular impact. Rubber (such as tire inner tubes) shall NOT be used.
- Rubber ballasts designed for channelizing devices should not be used for ballast on portable sign supports. Sign supports designed and manufactured with rubber bases may be used when shown on the CWZTCD list.
- 7. Sandbags shall only be placed along or laid over the base supports of the traffic control device and shall not be suspended above ground level or hung with rope, wire, chains or other fasteners. Sandbags shall be placed along the length of the skids to weigh down the sign support.
- 8. Sandbaas shall NOT be placed under the skid and shall not be used to level sign supports placed on slopes.

FLAGS ON SIGNS

Flags may be used to draw attention to warning signs. When used the flag shall be 16 inches square or larger and shall be orange or fluorescent red-orange in color. Flags shall not be allowed to cover any portion of the sign face.

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to Item 502.

Contractor shall install and maintain signs in a straight and plumb condition and/or as directed by the Engineer.

4. All signs shall be installed in accordance with the plans or as directed by the Engineer. Signs shall be used to regulate, warn, and

The Contractor may furnish either the sign design shown in the plans or in the "Standard Highway Sign Designs for Texas" (SHSD). The Engineer/Inspector may require the Contractor to furnish other work zone signs that are shown in the TMUTCD but may have been omitted from the plans. Any variation in the plans shall be documented by written agreement between the Engineer and the Contractor's Responsible Person. All changes must be documented in writing before being implemented. This can include documenting the changes in the Inspector's TxDOT diary and having both the Inspector and Contractor initial and date the agreed upon changes.

The Contractor shall furnish sign supports listed in the "Compliant Work Zone Traffic Control Device List" (CWZICD). The Contractor shall install the sign support in accordance with the manufacturer's recommendations. If there is a question regarding installation procedures, the Contractor shall furnish the Engineer a copy of the manufacturer's installation recommendations so the Engineer can

The Contractor is responsible for installing signs on approved supports and replacing signs with damaged or cracked substrates and/or

Identification markings may be shown only on the back of the sign substrate. The maximum height of letters and/or company logos used

DURATION OF WORK (as defined by the "Texas Manual on Uniform Traffic Control Devices" Part 6)

The types of sign supports, sign mounting height, the size of signs, and the type of sign substrates can vary based on the type of work being performed. The Engineer is responsible for selecting the appropriate size sign for the type of work being performed. The Contractor is responsible for ensuring the sign support, sign mounting height and substrate meets manufacturer's recommendations in

Intermediate-term stationary - work that occupies a location more than one daylight period up to 3 days, or nighttime work lasting

The bottom of Long-term/Intermediate-term signs shall be at least 7 feet, but not more than 9 feet, above the paved surface, except

Short-term/Short Duration signs shall be used only during daylight and shall be removed at the end of the workday or raised to

Regulatory signs shall be mounted at least 7 feet, but not more than 9 feet, above the paved surface regardless of work duration.

The Contractor shall furnish the sign sizes shown on BC (2) unless otherwise shown in the plans or as directed by the Engineer.

1. The Contractor shall ensure the sign substrate is installed in accordance with the manufacturer's recommendations for the type of sign support that is being used. The CWZTCD lists each substrate that can be used on the different types and models of sign supports. "Mesh" type materials are NOT an approved sign substrate, regardless of the tightness of the weave. All wooden individual sign panels fabricated from 2 or more pieces shall have one or more plywood cleat, 1/2" thick by 6" wide, fastened to the back of the sign and extending fully across the sign. The cleat shall be attached to the back of the sign using wood screws that do not penetrate the face of the sign panel. The screws shall be placed on both sides of the splice and spaced at 6"

All signs shall be retroreflective and constructed of sheeting meeting the color and retro-reflectivity requirements of DMS-8300 3. Orange sheeting, meeting the requirements of DMS-8300 Type B_{FL} or Type C_{FL}, shall be used for rigid signs with orange backgrounds.

1. All sign letters and numbers shall be clear, and open rounded type uppercase alphabet letters as approved by the Federal Highway Administration (FHWA) and as published in the "Standard Highway Sign Design for Texas" manual. Signs, letters and numbers shall be of

Long-term stationary or intermediate stationary signs installed on square metal tubing may be turned away from traffic 90 degrees when the sign message is not applicable. This technique may not be used for signs installed in the median of divided highways or near any

entire sign face and maintain their opaque properties under automobile headlights at night, without damaging the sign sheeting.

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7. Signs and anchor stubs shall be removed and holes backfilled upon completion of work.

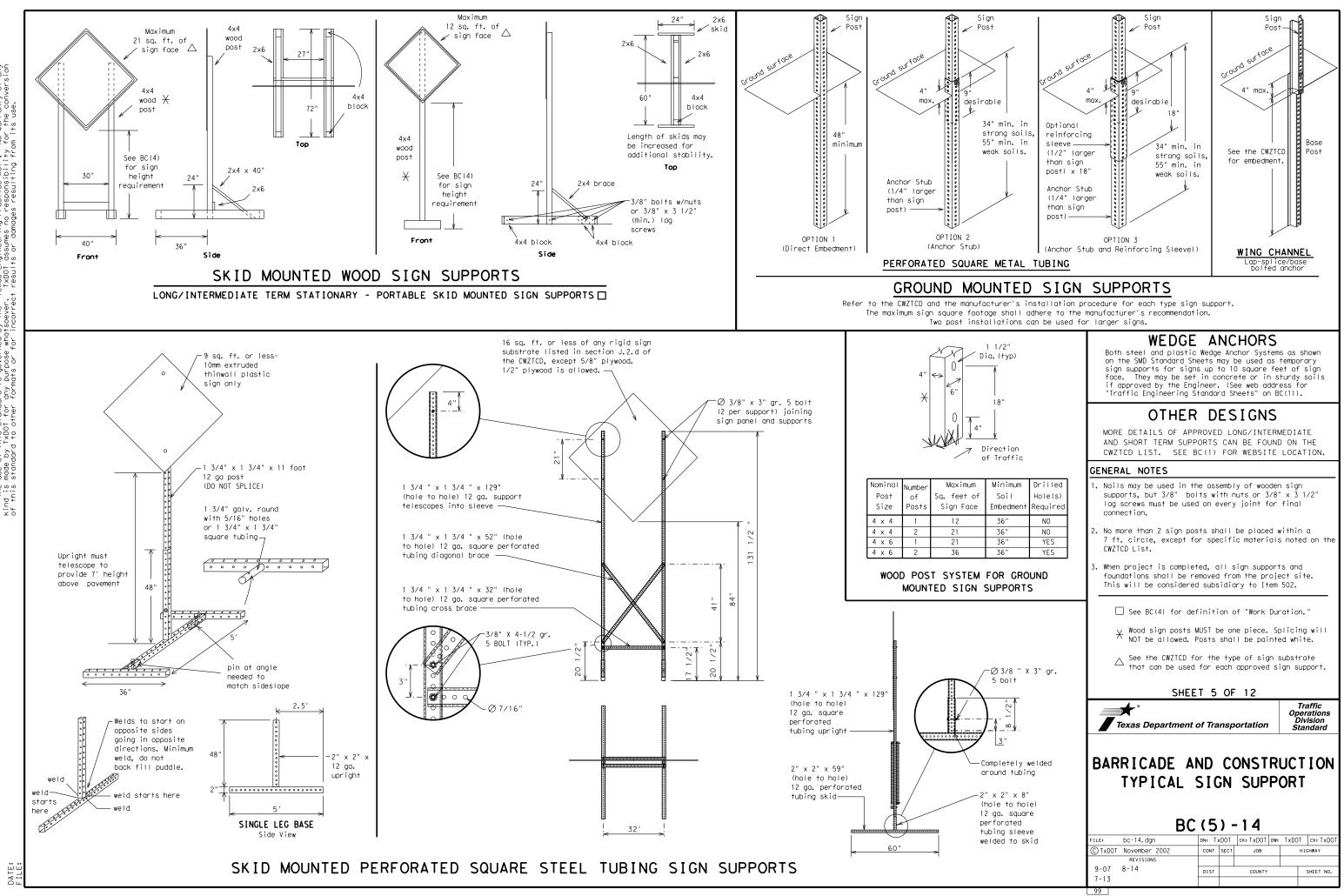
SHEET 4 OF 12

Texas Department of Transportation

Traffic Operation Division Standard

BARRICADE AND CONSTRUCTION TEMPORARY SIGN NOTES

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