



APPLICATION FOR PERMIT FOR RIGHT-OF-WAY USE

Town of Westlake * 1500 Solana Boulevard, Building 7, Suite 7200 * Westlake, TX 76262
Telephone: (817) 490-5717 * Fax: (817) 430-1812
e-mail: jgreenwood@westlake-tx.org

Section One: Identification

1. Name of Company:

NOTE: Name & Main Address of Company Placing (Owning) Facilities in Right-of-Way

Main Address: _____

City, State, Zip: _____

Phone #: _____

Fax #: _____

Email Address: _____

Website: _____

2. Contact Name(s):

NOTE: 24 hours emergency contact

Address: _____

City, State, Zip: _____

Phone #: _____

Email Address: _____

3. Name of all Contractor(s):

NOTE: Attach additional sheets if necessary

Name: _____

Contact Person: _____

Address: _____

City, State, Zip: _____

Phone #: _____

Email Address: _____

4. Name of all Subcontractor(s):

NOTE: Attach additional sheets if necessary

Name: _____

Contact Person: _____

Address: _____

City, State, Zip: _____

Phone #: _____

Email Address: _____

APPLICATION FOR PERMIT FOR RIGHT-OF-WAY USE

Section Two: Authorization to Use ROW

1. Authorization to use the right-of-way (Check which)

_____ Franchise - if checked, please provide Ordinance Number and date: _____
_____ License - if checked, please provide Ordinance Number and date: _____
_____ State law - if checked, please proceed to number 2 _____

2. State law authorization - is authorization pursuant to (Check one)

_____ Utilities Code chapter 66. If checked, proceed to number 5. _____
_____ Local Government Code, chapter 283. If checked, proceed to number 5. _____
_____ Local Government Code, chapter 284. If checked, proceed to number 3. _____
_____ Other (Please specify: _____) Proceed to number 5.

3. If authorization is pursuant to Local Government Code chapter 284, please state if facilities are to be located on a town structure.

_____ Yes - proceed to number 4
_____ No - identify location of each structure (up to _____)

4. If seeking to use a town structure pursuant to chapter 284, please attach the applicable Agreement for the town for the particular structure for which a permit is sought.

If you do not have an Agreement with the town for that structure, **STOP!**
You are not eligible for a permit to be on a town structure without an Agreement.

5. Identify each location for which a permit is sought. Attach additional sheets if necessary.

Section Three: Registration

1. Has the User of the ROW/Owner of the facilities to be installed completed its registration with the town?

_____ Yes _____ No
If not, **STOP!** Registration is a required step prior to filing for a permit.

2. Is all required and current insurance on file with the registration?

_____ Yes _____ No
If not, **STOP!** Insurance is a requirement for complete registration.
Completed registration is a required step prior to filing for a permit.

APPLICATION FOR PERMIT FOR RIGHT-OF-WAY USE

3. Are all required and current bonds on file with the registration?

_____ Yes

_____ No

If not, **STOP!** Bonds are a requirement for complete registration.

Completed registration is a required step prior to filing for a permit.

4. I understand that Municipal Authorization to use the right-of-way does not extend to the use of any other property or facilities and does not address or allow the use of third party facilities and does not allow the use of adjacent private property.

_____ Yes

_____ No

Section Four: Construction Requirements

1. Please attach plans showing location and route.

The Ordinance requires the proposed, approximate location and route of all facilities to be constructed or installed and the applicant's plan for right-of-way construction should be shown on a set of scaled dimensioned construction plans, plan/profile sheet, a street view and an aerial map. Said plans should indicate the current right-of-way lines and any existing town facilities. Said plans shall show any proposed underground conduit, type of casting pipe required, if applicable, overhead lines, network nodes, ancillary equipment, or any other facilities to be installed. The drawings shall show a cross sectional profile, identify all existing utilities and any existing or potential utility conflicts. Engineering plans which will be on a scale of one (1) inch equals fifty (50) feet unless otherwise approved by Town Manager.

Attachment provided:

_____ Yes

_____ No

Please attach pages explaining why

2. Please provide sectional drawing for installation of pole.

The Ordinance requires that for installation of any proposed pole applicant shall provide sectional detail showing depth of anchor, scaled dimensional drawings of the proposed pole, as well as any other proposed equipment associated with the proposed installation, and shall indicate spacing from existing curb, driveways, sidewalk, light poles, and any other poles or appurtenances.

Attachment provided:

_____ Yes

_____ No

Please attach pages explaining why

3. Before and after street view.

The Ordinance requires that all applications include a before and after street view image. The after-image needs to include any proposed poles and all proposed attachments, and any associated or ancillary equipment, whether attached or standalone.

Attachment provided:

_____ Yes

_____ No

Please attach pages explaining why

APPLICATION FOR PERMIT FOR RIGHT-OF-WAY USE

4. Please attach evidence of permit or permission from State if in State right-of-way, from a railroad company if in railroad right-of-way, a transit authority if in transit authority right-of-way or from the state or federal government if on property owned or controlled by the state or federal government. Please number said permission "Section Four, number 4."

If the project is within or crosses right-of-way of the federal or state government, a railroad company, a transit authority or other entity that is not the town, the Ordinance requires that the applicant provide evidence of a permit or permission to use or cross such property.

Attachment provided:

Yes

No

Please attach pages explaining why

5. If a light pole or structure will be used please identify and attach permission from the Owner of the pole or, if a town pole or structure, the Agreement with the town. Please label said permission or Agreement as "Section Four, number 5."

The Ordinance requires that any poles or light structure or structures that are planned to be used in the proposed construction, be identified. No electric meter shall be mounted on a town pole or light structure.

Attachment provided:

Yes

No

Please attach pages explaining why

6. Show the electric voltage to be used in the plans.

Attachment provided:

Yes

No

Please attach pages explaining why

7. Show if plans will obstruct sidewalk, bicycle lane or street. Attach street closure plans or plans showing what steps will be taken in regard to ensuring safety of any closure of a sidewalk or bicycle lane. Please label said plans "Section Four, number 7."

Attachment provided:

Yes

No

Please attach pages explaining why

8. Show scale for plans.

Engineering plans which will be on a scale of one (1) inch equals fifty (50) feet unless otherwise approved by Town Manager.

Scale shown on plans:

Yes

No

Please attach pages explaining why

APPLICATION FOR PERMIT FOR RIGHT-OF-WAY USE

9. Show detail of right-of-way and utility easement on all plans.

Attachment provided:

_____ Yes _____ No

Please attach pages explaining why

10. Show detail of all existing town utilities in relationship to applicant's proposed route.

Attachment provided:

_____ Yes _____ No

Please attach pages explaining why

11. Show detail of what applicant proposes to install, such as network nodes, poles, pipes, size, number of innerducts, valves, or other facilities.

Attachment provided:

_____ Yes _____ No

Please attach pages explaining why

12. Show detail of plans to remove and replace asphalt or concrete in streets (include town standard construction details).

Attachment provided:

_____ Yes _____ No

Please attach pages explaining why

13. Provide drawings of any bores, trenches, handholes, manholes, switch gear, transformers, pedestals, network nodes, micro-network nodes, or other facilities, including depth located in public right-of-way.

Attachment provided:

_____ Yes _____ No

Please attach pages explaining why

14. Show handhole and/or manhole typicals of type of manholes and/or handholes applicant plans to use or access.

Attachment provided:

_____ Yes _____ No

Please attach pages explaining why

15. Provide complete legend of drawings submitted by applicant.

Complete legend shown on plans:

_____ Yes _____ No

Please attach pages explaining why

16. Indicate the length of time to complete installation: _____

17. Indicate the proposed start date for the installation: _____

APPLICATION FOR PERMIT FOR RIGHT-OF-WAY USE

18. Methods to be used to protect existing structures, fixtures, facilities, equipment or other installation in right-of-way.

The Ordinance requires that the construction and installation methods to be employed for the protection of existing structures, fixtures, and facilities within or adjacent to the right-of-way, and the dates and times work will occur, all of which (methods, dates, times, and other applicable information) are subject to approval of the Town Manger or designee.

Attachment provided:

_____ Yes

_____ No

Please attach pages explaining why

19. Provide a traffic control plan.

The Ordinance requires a traffic control plan approved by the Town Manager, which shall specify the traffic control measures to be provided, SWPPP, and trench safety plan may also be required based on the proposed scope of work. An approved traffic control plan shall be required any time work will require traffic lane closures or sidewalk closures, regardless of whether a permit is required.

Attachment provided:

_____ Yes

_____ No

Please attach pages explaining why

20. Show projecting attachments.

The Ordinance requires that projecting attachments shall not be less than eight (8) feet above the ground, if said attachment is not projecting toward the street. If an attachment is projecting toward the street, the attachment shall be installed no less than sixteen (16) feet above the ground.

Attachment provided:

_____ Yes

_____ No

Please attach pages explaining why

21. Show evidence that said installation will not interfere with town public safety radio systems, traffic signal light systems or other town systems.

The Ordinance requires that any proposed work that involves the installation of facilities that will utilize radio frequencies shall not cause any interference with town public safety radio system, traffic signal light system or other town communications systems or components, regardless of whether or not a permit is required. The right-of-way user shall provide evidence in a form acceptable to the town that the proposed installation will be compatible with said town systems and will not cause any interference with the town public safety radio system, traffic signal light system or other town communications systems or components. No installation shall be allowed to be installed or to remain in the right-of-way that causes any such interference.

Attachment provided:

_____ Yes

_____ No

Please attach pages explaining why

APPLICATION FOR PERMIT FOR RIGHT-OF-WAY USE

22. Show the location of any school grounds adjacent to the right-of-way to be utilized.

The Ordinance requires that plans shall demonstrate that all federal and state laws and town ordinances will be obeyed, and that all sections of this Chapter, including Article II "Design Manual" will be complied with as applicable. Construction in right-of way adjacent to a school shall be required to follow all state law requirements, including the requirements in the Educational Code regarding work on school grounds, including but not limited to Chapters 21 and 22, as applicable.

Attachment provided:

_____ Yes _____ No

Please attach pages explaining why

23. Please specify erosion control measures to be used. Please specify the advance warning signs, markers, barricades or cones that are planned to be used.

The Ordinance requires that erosion control measures and advance warning signs, markers, barricades or cones be used and in place before work begins.

Attachment provided:

_____ Yes _____ No

Please attach pages explaining why

Section Five: Requirements prior to starting construction

1. I understand that I am required to notify the Town twenty-four (24) hours before construction will begin.

_____ Yes _____ No

2. I understand that all town codes and state and federal laws must be followed and the construction must be performed in a good and workman like manner.

_____ Yes _____ No

Section Six: Installations to be in good workmanlike manner; Removal upon abandonment

1. All work done in connection with the installation, operation, maintenance, repair, modification, and/or replacement of any installation in the right-of-way shall be in compliance with any Agreement with the town as applicable and all applicable laws, ordinances, codes, rules and regulations of the town, county, state, and the United States ("Laws").

Check if agree: _____

2. Removal upon abandonment. Applicant understands and agrees that if any installation falls into disrepair or is abandoned, said installation must be removed at Applicant's (Owner's) costs.

Check if agree: _____

APPLICATION FOR PERMIT FOR RIGHT-OF-WAY USE

Section Seven: Network Nodes

1. Location of installation: _____

If multiple locations, attach additional sheets for each location, stating the location and whether or not it is in one of the areas or districts set out below.

Will the Network Node be installed in a (Check all that apply):

- _____ Residential Area
- _____ Underground Area
- _____ Design District
- _____ Historic District
- _____ Park

All of the above areas or districts have limits on installation. Please see staff to find out if the proposed installation is in one of the above set out districts or areas. If the proposed location is in one of the districts or areas and the provider has obtained advance written approval to locate in the area or district or a waiver of the restrictions or prohibitions, please attach a copy of said written approval.

Please note that nothing in the town ordinance, town requirements or any town permission or waiver shall grant permission to violate private deed restrictions or other private restrictions. If the location is subject to private deed restrictions or other private restrictions, please set out such restrictions and any written permission to waive such restrictions. **IT IS YOUR RESPONSIBILITY TO INFORM THE TOWN OF ANY SUCH PRIVATE RESTRICTIONS. YOU SHALL NOT DEPEND UPON TOWN STAFF TO INFORM YOU OF ANY SUCH RESTRICTIONS.**

2. Ground equipment.

Ground equipment is required to be minimal and the least intrusive possible. Ground equipment shall not interfere with line of sight at intersections, including driveways. Ground equipment shall not be installed within 250 feet of an intersection.

Attach plans detailing the location and size of all ground equipment.

Attachment provided:

_____ Yes _____ No

Please attach pages explaining why

3. Will the installation be on an existing utility pole? Please provide location and identify pole.

Attachment provided:

_____ Yes _____ No

Please attach pages explaining why

APPLICATION FOR PERMIT FOR RIGHT-OF-WAY USE

4. Please provide detailed plans. Such plans should show that the proposed Network Node:

- Will not obstruct, impede or hinder usual travel of public safety on the public right-of-way.
Check if that is not correct for this installation: _____. Attach sheet providing explanation if checked.
- Obstruct legal use of the public right-of-way for other utility providers.
Check if that is not correct for this installation: _____. Attach sheet providing explanation if checked.
- Violate applicable codes.
Check if that is not correct for this installation: _____. Attach sheet providing explanation if checked.
- Violate or conflict with the Town's ordinances, including the right-of-way ordinance or design manual.
Check if that is not correct for this installation: _____. Attach sheet providing explanation if checked.
- Violate the federal Americans with Disabilities Act or the Public Right-or-Way Accessibility Guidelines.
Check if that is not correct for this installation: _____. Attach sheet providing explanation if checked.
- Will be placed within two feet (2') of the outer edge of the right-of-way.
Check if that is not correct for this installation: _____. Attach sheet providing explanation if checked.
- Will have a protrusion from the outer circumference of the existing structure or pole more than two feet (2').
Check if that is not correct for this installation: _____. Attach sheet providing explanation if checked.

5. Will the Network Node be concealed or camouflaged?

If the installation will be concealed or camouflaged, please show how that will be accomplished on the attached plans. If the Network Node will not be concealed or camouflaged, please attach an explanation as to why it will not be concealed or camouflaged.

6. Will all exposed wires be sheathed or enclosed in conduit? Please show how that will be accomplished on the attached plans. If the Network Node will not be sheathed or enclosed, please attach an explanation as to why it will not be sheathed or enclosed; and any written Town permission or granted written exception.

7. Please attach an analysis showing that the proposed installation will not cause any interference (radio, structural or other) with existing Town public safety radio system, any traffic signal light system or other Town safety communications components. It shall be an ongoing responsibility of the Network Provider to insure that no interference occurs.

Attachment provided:

_____ Yes

_____ No

Please attach pages explaining why

8. Size limits. Network provider certifies that the size limits shall match all size limits as set out by state law or Town ordinance, as applicable.

_____ Check if so certifying.

9. Size limits. Please attach detailed drawing showing the size limits of the proposed installation.

Attachment provided:

_____ Yes

_____ No

Please attach pages explaining why

APPLICATION FOR PERMIT FOR RIGHT-OF-WAY USE

10. Municipal Service Poles. The following are required for attachment on Municipal Service Poles:

* Network Provider has already obtained a written agreement from the Town. Said agreement should be attached. If the Network Provider does not have an agreement, then **STOP!** and do not file the application until such an Agreement is obtained. The application will be rejected if no current Agreement for this location and this Network Provider is attached.

Check if attached: _____

* Height of attachments:

(Check if meeting requirement)

_____ All attachments on all Service Poles shall be at least eight (8) feet above grade; and

_____ If a Network Node attachment is projecting toward the street, for the safety and protection of the public and vehicular traffic, the attachment shall be installed no less than sixteen (16) feet above the ground; and

_____ Meet all applicable requirements of State law and this Chapter.

* Installations on all Traffic signal structures must not interfere with the integrity of the facility in any way that may compromise the safety of the public and must be in accordance with the agreement with the Town. Installation of Network Node facilities on any traffic signal structures shall:

(Check if requirement is being met)

_____ Be encased in a separate conduit than the traffic light electronics;

_____ Have a separate electric power connection than the traffic signal structure;

_____ Have a separate access point than the traffic signal structure;

_____ Shall not puncture or drill into the structure;

_____ Shall not be installed on the mast arm; and

_____ Meet all other requirements of State law and this Chapter.

* Installations on Street signage: Installations on all street signage structures must not interfere with the integrity of the facility in any way that may compromise the safety of the public and must be in accordance with the Agreement with the Town. Installation of Network Node facilities on any street signage structures that has electrics shall:

(Check if requirements are met)

_____ Be encased in a separate conduit than any Town signage electronics;

_____ Have a separate electric power connection than the signage structure;

_____ Have a separate access point than the signage structure; and

_____ Meet all other requirements of State law and this Chapter.

APPLICATION FOR PERMIT FOR RIGHT-OF-WAY USE

11. Network Provider shall be responsible for obtaining any required electrical power service to the Micro Network Node, Network Node facilities, Node Support Poles and ground equipment. The Town shall not be liable to the Network Provider for any stoppages or shortages of electrical power furnished to the Micro Network Node, Network Node facilities, Node Support Poles or ground equipment, including without limitation, stoppages or shortages caused by any act, omission, or requirement of the public utility serving the structure or the act or omission of any other tenant or Network Provider of the structure, or for any other cause beyond the control of the Town.

Network Provider shall not allow or install generators or back-up generators in the Right-of-Way.

_____ Check if these requirements will be met.

12. All applications for permits to collocate or attach to any Service Pole must have included in its permit application a completed industry standard individual pole load analysis performed and sealed by an engineer licensed by the State of Texas that indicates that the Service Pole to which the network node is to be attached will safely support the load. Such analysis shall also address safety of pole and attachments in regard to wind loads, collision with motor vehicle, supporting weight of the Node, interference with Town communications systems, and all other pertinent information.

Attachment provided:

_____ Yes

_____ No

Please attach pages explaining why

APPLICATION FOR PERMIT FOR RIGHT-OF-WAY USE

Section Eight: Indemnity, Certification and Signature

INDEMNITY

- (I) TO THE EXTENT ALLOWED BY STATE LAW, EACH PERSON PLACING FACILITIES IN THE PUBLIC RIGHTS-OF-WAY SHALL AGREE TO PROMPTLY DEFEND, INDEMNIFY AND HOLD THE TOWN HARMLESS FROM AND AGAINST ALL DAMAGES, COSTS, LOSSES OR EXPENSES (I) FOR THE REPAIR, REPLACEMENT, OR RESTORATION OF TOWN'S PROPERTY, EQUIPMENT, MATERIALS, STRUCTURES AND FACILITIES WHICH ARE DAMAGED, DESTROYED OR FOUND TO BE DEFECTIVE AS A RESULT OF THE PERSON'S ACTS OR OMISSIONS, (II) FROM AND AGAINST ANY AND ALL CLAIMS, DEMANDS, SUITS, CAUSES OF ACTION, AND JUDGEMENTS FOR (A) DAMAGE TO OR LOSS OF THE PROPERTY OF ANY PERSON (INCLUDING, BUT NOT LIMITED TO THE PERSON, ITS AGENTS, OFFICERS, EMPLOYEES AND SUBCONTRACTORS, TOWN'S AGENTS, OFFICERS AND EMPLOYEES, AND THIRD PARTIES); AND/OR (B) DEATH, BODILY INJURY, ILLNESS, DISEASE, LOSS OF SERVICES, OR LOSS OF INCOME OR WAGES TO ANY PERSON (INCLUDING, BUT NOT LIMITED TO THE AGENTS, OFFICERS AND EMPLOYEES OF THE PERSON, PERSON'S SUBCONTRACTORS AND TOWN, AND THIRD PARTIES), ARISING OUT OF, INCIDENT TO, CONCERNING OR RESULTING FROM THE NEGLIGENT OR WILLFUL ACT OR OMISSIONS OF THE PERSON, ITS AGENTS, EMPLOYEES, AND/OR SUBCONTRACTORS, IN THE PERFORMANCE OF ACTIVITIES PURSUANT TO THIS ARTICLE.**
- (II) THIS INDEMNITY PROVISION SHALL NOT APPLY TO ANY LIABILITY RESULTING FROM THE NEGLIGENCE OF THE TOWN, ITS OFFICERS, EMPLOYEES, AGENTS, CONTRACTORS, OR SUBCONTRACTORS.**
- (III) THE PROVISIONS OF THIS INDEMNITY ARE SOLELY FOR THE BENEFIT OF THE TOWN AND ARE NOT INTENDED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, TO ANY OTHER PERSON OR ENTITY.**

APPLICATION FOR PERMIT FOR RIGHT-OF-WAY USE

Page 13 of 13

By signing this application, you are agreeing to comply with all applicable ordinances, including the Right-of-Way Management ordinance and agreeing to the indemnity terms above.

By signing this application, you certify that you are signing this document in your capacity as _____ for and on behalf of _____ Company, and that such capacity makes his signature valid and binding to _____ Company.

Signature

Printed or typed name