

# Right-of-Way Construction Permit Application

Registration # _____
Permit # _____
Expiration Date: _____

## APPLICANT INFORMATION

Company's Legal Name (Owner of Facilities)

Address	City	State	ZIP Code
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(Area Code) Telephone #	24-Hour Emergency Phone #	Email Address
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Contact Person 1	Title	Phone #	Email Address
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Contact Person 2	Title	Phone #	Email Address
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Is your Company authorized to do business in the State of Texas? (Please check one)  Yes  No

## CONTRACTOR INFORMATION

Company's Legal Name (Owner of Facilities)

Address	City	State	ZIP Code
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(Area Code) Telephone #	24-Hour Emergency Phone #	Email Address
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Contact Person 1	Title	Phone #	Email Address
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Contact Person 2	Title	Phone #	Email Address
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Is your Company authorized to do business in the State of Texas? (Check one)  Yes  No

Name and Address of Registered Agent for Service of Process:

Completed forms and attachments must be returned with original signatures (no photocopies) to the address below in person or by mail. To expedite the review process, forms and attachments may be submitted via email to [rowpermits@cityofirving.org](mailto:rowpermits@cityofirving.org). However, original forms and attachments are still required and permits will not be approved until all original documents have been received.

City of Irving – Capital Improvement Program Dept.  
Attn: Utility Franchise Coordinator  
825 W. Irving Blvd. Irving, TX 75060

# Right-of-Way Construction Permit Application

## ADDITIONAL INFORMATION

### By separate attachment please furnish the following:

- Certificate of Insurance (for Applicant - should be on file with Registration). Refer to Right-of-Way Management ordinance for requirements.
- Provide name, address, and phone number of subcontractors, and type(s) of work to be performed by each.
- Items required on checklist.

Location and Description of Work (include street names, termination points and linear feet of cable work):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Will any pavement be removed, including utility locates? (Check one)     Yes     No

Will traffic lane or sidewalk closure(s) be required? (Check one)     Yes     No

If traffic lane or sidewalk closure is required, a detailed traffic control plan or temporary street closure plan is required, even if a permit is not needed. The plan must be submitted with the permit application or 30 days before work is done, if only notice is provided (that is, if no permit application, traffic lane closure is limited to the times set forth in the Right-of-Way Management ordinance).

Anticipated Start Date: \_\_\_\_\_                      Anticipated Completion Date: \_\_\_\_\_

Must obtain locates from City. Confirmation of City locate: \_\_\_\_\_

Must call DIG-TESS at (800) 344-8377    DIG-TESS Confirmation Number \_\_\_\_\_

**No Work May Begin Until all Locates are Marked in the Field.**

### **INSTRUCTIONS FOR APPLICANT**

- Applicant must submit Application with a copy of plans; a copy of a legible site-specific traffic control plan or street closure plan, if required; a line drawing or aerial photo; and all items required on checklist. Plans must follow ordinance requirements, including North arrow, street names and legend.
- Application must be signed by someone authorized to bind Owner of facilities.
- Forty-eight hours before commencing work, the contractor shall contact the City (phone (972) 721-7877).
- Contact the City of Irving Traffic Department 48 hours prior to working within 500 feet of a signalized intersection.
- Locate marks must be removed when work is complete.
- This Permit will become null and void if construction is not begun within thirty (30) days after issuance.
- The Construction Permit must remain on Project Site when work is being performed.

### INTERNAL USE ONLY

Date Received: \_\_\_\_\_

Complete

Bonds     Insurance     Map     Email Notification Sent \_\_\_\_\_

Incomplete. Missing items: \_\_\_\_\_                       Email Notification Sent \_\_\_\_\_

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Please be advised that the City’s review of the Application, the status of any permit that may issue by the operation of statute, and the submission of any related fees, shall all be subject to the City’s reservation of rights as stated below with respect to the location and design of the node(s) and/or pole(s) and the adequacy of any fees submitted for use of public right of way.

Chapter 284 of the Texas Local Government Code (“Chapter 284”), the statute under which the Application has been submitted, sets constraints against the City’s exercise of its traditional authority over its rights of way and entitlement to just compensation for the use of the municipal right of way. As a result of these statutory constraints, the City will be unable to incorporate into its review of the Application due and adequate inquiry into the potential impacts of the proposed node(s) and/or pole(s) on the safety, health or welfare of the public, or into the adequacy of the compensation paid for the use of public of right way.

The City’s concern for the safety, health, and welfare of its public, as well as its obligation to protect public resources, has led it join with other Texas municipalities in filing a lawsuit (*City of McAllen, et al. v. State of Texas, et al.*) to challenge the validity of portions of Chapter 284. The City and its fellow municipalities, in this lawsuit, maintain that the permitting process and fee regime established by Chapter 284 violate article II, section 1, article III, section 1, article III, section 52, and article XI, section 3, of the Texas Constitution.

It is reasonable to expect that Chapter 284 will be held to be unconstitutional and void as a result of the aforementioned lawsuit. If Chapter 284 is ruled invalid after any permit or permits have issued by operation of Chapter 284, any entity that has received such a permit will be responsible for the removal or modification of any installed node(s) and/or pole(s) found by the City to be inconsistent with any applicable municipal land use regulations. Also, any entity receiving a permit under Chapter 284 will be obligated to pay just compensation for the use of public right of way should that statute be held to be void.

For the reasons stated above, the issuance of any permit in connection with the Application shall not be deemed to be an indication of the City’s approval of the location, design, or installation of any node(s) or pole(s) or of the compensation received for the use of the public right of way.

**I HAVE READ AND UNDERSTAND THE RIGHT-OF-WAY ORDINANCE AND STANDARDS FOR RIGHT-OF-WAY CONSTRUCTION.**

The undersigned authorizes the City of Irving to verify any and all information provided as determined necessary. In addition, the undersigned understands that failure to provide the requested information, or providing false information on this form or related attachments may result in disqualification.

**THE OWNER OF THE FACILITIES, CONTRACTOR AND SUBCONTRACTOR ACKNOWLEDGES BY THEIR SIGNATURES BELOW THAT THEY HAVE READ AND UNDERSTAND THE RIGHT-OF-WAY MANAGEMENT ORDINANCE, INCLUDING ALL INDEMNITY PROVISIONS, OR IF APPLICABLE ANY STATE LAW PROVISIONS, AND THEY ACKNOWLEDGE AND AGREE TO BE BOUND BY THOSE INDEMNITY PROVISIONS. THE OWNER OF FACILITIES ACKNOWLEDGES THAT IT IS RESPONSIBLE AND LIABLE FOR ITS AGENTS, CONTRACTORS, AND SUBCONTRACTORS. SUCH LIABILITY INCLUDES, BUT IS NOT LIMITED TO, REIMBURSEMENT FOR ALL DAMAGE TO CITY PROPERTY, AND REPAIR AND REPLACEMENT OF CITY PROPERTY TO THE SAME CONDITION IT WAS PRIOR TO THE CONSTRUCTION TO BE PERFORMED IN THE RIGHT-OF-WAY. SUCH REIMBURSEMENT MAY ALSO INCLUDE, IF APPLICABLE, ADDITIONAL COST TO THE CITY FOR CITY PERSONNEL RESPONDING TO EMERGENCY SITUATIONS WHERE ROAD BEDS, WATER OR SEWER LINES, OR OTHER UTILITY LINES HAVE BEEN DAMAGED AS A RESULT OF THE CONSTRUCTION WORK PERFORMED.**

**SIGNED:**

Facility Owner: (Company Name) \_\_\_\_\_ Date: \_\_\_\_\_

By (Authorized Representative): (Signature) \_\_\_\_\_

Authorized Representative Printed Name and Title: \_\_\_\_\_

# Right-of-Way Construction Permit Application

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Contractor: (Company Name) \_\_\_\_\_ Date: \_\_\_\_\_

By (Authorized Representative): (Signature) \_\_\_\_\_

Authorized Representative Printed Name and Title: \_\_\_\_\_

Subcontractor: (Company Name) \_\_\_\_\_ Date: \_\_\_\_\_

By (Authorized Representative): (Signature) \_\_\_\_\_

Authorized Representative Printed Name and Title: \_\_\_\_\_

### ACKNOWLEDGMENT

STATE OF TEXAS §

COUNTY OF \_\_\_\_\_ §

Before me, the undersigned authority, personally appeared (1) Owner \_\_\_\_\_ (2) Contractor \_\_\_\_\_ (3) Subcontractor \_\_\_\_\_ (Names and Titles), and attested that they are authorized to sign on behalf of the companies as shown above and proved to me through the presentation of a valid Texas Driver's License to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed. They furthermore attested that they are signing this document in their capacity as shown in the above set out Titles for and on behalf of the Companies as shown above, and that such capacity makes their signatures valid and binding to said Companies.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public, in and for the State of Texas,

My Commission Expires: \_\_\_\_\_

Notary Public, in and for the State of Texas.

# Right-of-Way Construction Permit Application

## CHECKLIST FOR PERMIT FOR RIGHT-OF-WAY (ROW) USE

Use of this checklist does not remove responsibility of the ROW User to review and meet all of the requirements of the ROW Management ordinance and other ordinances of the City. It is for convenience only. ROW User must meet all requirements, whether listed in the checklist or not. All federal, state and local laws must be followed. Notify the City of Irving 48 hours before work commences.

Nothing in the City ordinances or permit process allows the applicant to violate any property ownership, to be on third-party facilities or to violate deed restrictions or other private restrictions. It is your responsibility to obtain permission and advise permit staff of any applicable restrictions.

Each place the document advises you to “STOP” is there to prevent the denial of your permit. Certain items are required before a permit application can be granted. If you do not have or are unable to produce such items, your permit will be denied.

- **Step One: Registration - All ROW Users must have completed all Registration requirements prior to filing an application.**  
If you are not registered, **STOP** the permit process and file your registration **FIRST**.
- **Step Two: Authority to Use ROW Identified.**  
All ROW Users must identify under what authority they are allowed to use the ROW. That is, whether they are applying pursuant to authorization under a franchise (identify ordinance number), a license (identify ordinance number) or state law, and if under state law, that they identify which law.
- **Step Three: Permission to Use Other ROW or Property.**  
If a ROW User is seeking placement upon city facilities, the ROW User must have an Agreement with the City to allow placement on those facilities before a permit application is filed. If you do not have such an Agreement, **STOP** the permit process and obtain the Agreement first.  
  
If the installation planned by the ROW User will place facilities in or cross land or ROW owned by another governmental entity, such as federal, state, transit authority or a private entity such as a railroad or utility ROW, you must have permission from that other entity before filing your permit. (Examples include permission from TxDOT to cross highway ROW or from a railroad or transit authority to cross railroad ROW.) If network node placement will involve a pole owned by another ROW User (such as Oncor), provide pole attachment agreement.
- **Step Four: Identify Owner, Contractor(s) and Subcontractor(s).**  
Be able to identify the owner of the facilities (which should be registered – see Step One), an emergency contact and all contractors and subcontractors.
- **Step Five: Identify location.**
  - Identify each location for which a permit is sought. Attach additional sheets if necessary.
  - Indicate if installation will cause entry onto school grounds.
  - For network nodes installations, indicate if installation will be in a residential area, underground area, design district, historic district, park or other special location.
- **Step Six: Attach and appropriately label plans showing location and route.**  
**Show as required or applicable:**
  - Proposed, approximate location and route of all facilities and the applicant's plan for ROW construction on a set of scaled, dimensioned construction plans.
  - Plan/profile sheet.
  - GIS shape file.
  - Before and after street view.
  - An aerial map.
  - Indicate current ROW lines and any existing city facilities.
  - Show any proposed underground conduit or other facilities, including depth and dimensions of such facilities.

# Right-of-Way Construction Permit Application

- Type of casing pipe required, overhead lines, network nodes, ancillary equipment, or any other facilities to be installed;
- drawings of any bores, trenches, hand holes, manholes, switch gear, transformers, pedestals, network nodes, micro-network nodes, or other facilities.
- Show a cross-sectional profile.
- Provide sectional dimensional drawing for installation of pole to include anchor, any proposed ground equipment and location, provide required completed industry standard individual pole load analysis performed and sealed by an engineer licensed by the State of Texas.
- If street, sidewalk or trail will be affected provide temporary traffic control / street closure / safety plan.
- Provide detailed plans to remove and replace asphalt or concrete in streets, sidewalks or trails.
- Show erosion control measures.
- Identify all existing utilities and any existing or potential utility conflicts and methods to be used to protect existing structures, facilities or other already existing installations.
- Engineering plans, which will be on a scale of one (1) inch equals fifty (50) feet unless otherwise approved by City Manager.
- Other: \_\_\_\_\_

**Network Nodes or other attachments:**

- Provide evidence there will be no radio, structural or other interference with public safety, traffic light signal system or other City communications systems or components.
- Show electric voltage to be used.
- Show any projecting attachments.
- If the network node will be concealed or camouflaged, show how that will be accomplished, and if it will not be concealed or camouflaged, please attach an explanation as to why it will not be concealed or camouflaged.
- All exposed wires be sheathed or enclosed in conduit.
- Show size and that it meets required size limits.
- If on municipal service pole, see instructions for such installation.

▪ **Step Seven: Time for installation.**

- Show start date: \_\_\_\_\_
- Length of time to complete installation: \_\_\_\_\_

▪ **Step Eight: Sign acknowledging indemnity and certify representative status.**

# Right-of-Way (ROW) Resources

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## City of Irving Line Locate Contacts

**Water Utilities Department** .....Email [wulocates@cityofirving.org](mailto:wulocates@cityofirving.org)

..... Phone (972) 721-2261

**Traffic and Transportation Department**, for traffic signal locates ..... Phone (972) 721-2646

## Utility Inspector Contacts

The utility inspector is notified to review the site 48 hours in advance.

**Ron Hilton, Coordinator** .....Office (972) 721-7877 .....Mobile (972) 742-2366

**Bart Perkins, Inspector** .....Office (972) 721-7878 .....Mobile (972) 824-6848

**Joseph Lepera, Inspector** .....Office (972) 721-7882 .....Mobile (214) 232-0881