

Leon County

ORDER OF ADOPTION

Rules, regulations and requirements relating to the approval and acceptance of High Speed Rail Development in subdivisions and Subdivision Safety Zones

STATE OF TEXAS

COUNTY OF Leon

On this the 13th day of August, 2018, at a regular meeting of the Commissioners' Court, sitting as the governing body of Leon County, Texas, came on to be considered the necessity of amending rules, regulations and requirements providing for the supervision of the development of new subdivisions or re-subdivisions in Leon County, Texas, outside the legal limits of any incorporated city or town in Leon County in accordance with Chapters 232 and 233 of the Texas Local Government Code, Chapter 12 of the Texas Property Code, Chapter 16 of the Texas Water Code and Title 31, Chapter 364 of the Texas Administrative Code.

Publication of the Commissioners' Court's intention to adopt such rules was posted on the Agenda for the Commissioner court.

Upon due consideration, the Court was of the opinion that it is in the best interest of the public to amend these rules, regulations and requirements; that there exists a necessity for amending such rules, regulations and requirements; and that the health, safety, morals and general welfare of the County and the safe, orderly, and healthful development of the unincorporated area of Leon County will be promoted by the adoption hereof. These rules, regulations and requirements shall supersede all existing rules, regulations or requirements heretofore passed by the Commissioners' Court.

These rules are being adopted Leon County Subdivision Rule 364.15 A.2 allowing for increased requirements for unique subdivisions. The Leon County Commissioner's Court is of the opinion that any proposed High Speed Rail project necessitates more stringent regulations due to the unique nature of the subdivisions it will cause.

Now, therefore, by and under the authority vested in the Commissioners' Court, upon the motion of Commissioner _____ and seconded by Commissioner _____ duly put and carried, it is ordered, adjudged and decreed that the following amendments to the rules, regulations and requirements relating to the subdivisions or re-subdivisions in Leon County are hereby adopted by adding the following section:

- 365. High Speed Rail Subdivision Permit and Design Standards
 - A. Definitions
 - B. HSR Subdivision Safety Zone Permit

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C. HSR Subdivision Safety Zone Design Standards

Effective Date

Whereas an emergency is apparent for the immediate preservation of good order, good government and the general public safety and welfare, these regulations shall become effective and applicable immediately upon its passage and it is accordingly so ordained.

Severability

It is hereby declared to be the intention of the County Commissioners' Court that the several provisions of these regulations are separable, in accordance with the following:

1. If any sentence, phrase, section, paragraph, article or any part of these rules, regulations and requirements is declared invalid, unenforceable or unconstitutional for any cause or reason, such invalidity, unenforceability or unconstitutionality shall not be held to affect, invalidate or impair the validity, force or effect of any other sentence, phrase, section, paragraph, article or any other part of these rules, regulations and requirements.
2. If any court of competent jurisdiction shall judge invalid the application of any provisions of these regulations to a particular property, such judgment shall not affect the application of said provisions to any other property not specifically included in said judgment.

Approved by the Commissioners' Court of Leon County, Texas, this ____ day of _____, 2018.

Hon. Judge Byron Ryder
County Judge

Commissioner, Pct. 1

Commissioner, Pct. 2

Commissioner, Pct. 3

Commissioner, Pct. 4

**365. HIGH SPEED RAIL SUBDIVISION PERMIT
AND DESIGN STANDARDS**

GENERAL PRINCIPLES OF ACCEPTABILITY

High Speed Rail Development in and around existing and proposed subdivisions shall REASONABLY conform to the existing and projected future transportation plan of the County, and the development layout shall make reasonable provisions for development or protection of adjacent lands.

A. DEFINITIONS

APPLICANT – A person or entity that submits an application for a High Speed Rail Subdivision Safety Zone Permit.

APPLICATION – A form application approved by the Leon County Commissioners’ Court for a High Speed Rail Subdivision Safety Zone Permit.

LEON COUNTY COMMISSIONERS’ COURT (“COURT”) – The Commissioners’ Court for the County of Leon, Texas.

HIGH SPEED RAIL (“HSR”) – A passenger rail transport system, including all related infrastructure, running at operational speeds above 120 miles per hour.

HIGH SPEED RAIL DEVELOPMENT – Construction or development of infrastructure or utilities relating to High Speed Rail.

HIGH SPEED RAIL SUBDIVISION SAFETY ZONE PERMIT (“PERMIT”) – A permit that allows a person or entity to construct or develop infrastructure or utilities relating to High Speed Rail within a High Speed Rail Subdivision Safety Zone in accordance with the design standards required by these rules and regulations.

HIGH SPEED RAIL SUBDIVISION SAFETY ZONE (“HSR SSZ”) – A High Speed Rail Subdivision Safety Zone consists of the area within an approved subdivision, plus a perimeter safety zone area measured from the outside boundary of a subdivision and extending outward for 300 meters, in which High Speed Rail development is prohibited without a Leon County High Speed Rail Subdivision Safety Zone Permit.

B. HIGH SPEED RAIL SUBDIVISION PERMIT

1. General Requirements

The rules and regulations within this Policy are in addition to any other County rules or regulations applicable to High Speed Rail Development and do not act to replace any other County requirements. High Speed Rail Development within an HSR SSZ is strictly prohibited without a valid, unexpired Permit for that particular HSR SSZ from the Leon County Commissioners’ Court. The Court shall adopt a form Application for High Speed Rail Subdivision Safety Zone Permit and make such form available at the County

Courthouse for Leon County. The Application shall require such information and be supported by such documentation as determined necessary or advisable by the Court. At a minimum, the Application shall include the following information:

- Detailed Applicant information including the mailing address, officer information, office hours, telephone numbers, fax numbers, and email addresses for each owner, officer, or manager in an executive position;
- A detailed description of the scope of work to be performed under the Permit together with photographs of the affected area and drawings of the proposed structures;
- Detailed contact information for (1) the Applicant, (2) the representative designated by the Applicant as lead contact, (3) all licensed engineers and surveyors that will be certifying plans and final construction compliance in connection with the Permit, and (4) to whom official notices should be sent;
- Plans and specifications for the Project certified by an engineer licensed by the State of Texas and containing a statement that such plans and specifications meet the minimum standard specifications applicable to Permits as described below;
- Projected time-tables, including a construction matrix for the completion of work under the Permit;
- A complete list of all costs and expenses anticipated to be incurred from the date of the Application to completion of the work covered by the Permit;
- A traffic plan including proposed detour routes which shall include a certification from Applicant that such traffic plan has been approved by local law enforcement;
- A report on environmental authorizations required and received in compliance with all applicable state, and local statutes, rules, and regulations;
- An environmental review report describing proposed impact of the work under the Permit, certified by an environmental engineer licensed in the State of Texas and familiar with the County;
- An environmental resource inventory;
- A water quality report;
- A report on the proposed location of any and all debris disposal, including excess excavated materials;
- A preliminary construction storm water plan;
- An erosion and sedimentation control plan;
- A drainage layout sheet;
- A tree assessment report;
- Fiscal Security, including a certificate of insurance and fiscal surety or bond;
- Application and Permit fees; and
- A crisis response plan.

2. Application Submission, Review, and Approval Process

An Applicant shall submit its Application with the County Commissioner in whose precinct the Permit is requested. The Commissioner shall devote such time and attention, and utilize the services of engineers, along with any other applicable contract personnel, as it deems necessary or advisable to coordinate, review, and evaluate all Applications to the highest standard, taking into consideration public comments, completeness of information provided, certifications and documentation, compliance with specifications required herein and by applicable law, possible public hazards, risks of proposed construction and other policy considerations. If the Commissioner determines that a submitted Application is incomplete, a list of exceptions noting all deficiencies shall be provided to the Applicant within a reasonable period of time. Upon receipt by the Commissioner of the last piece of information, documentation, certification or other requirement in connection with an Application, the Commissioner shall determine whether the Application meets the requirements of this Policy and render a final decision on whether the Application will proceed to a public hearing.

The Applicant shall be entitled to appeal any final decision of a Commissioner within thirty (30) days of the date of such decision by filing a Notice of Appeal with the Court and paying to the County Clerk an appeal fee in an amount to be determined by the Court. The Notice of Appeal shall contain a description of each issue appealed, together with all supporting documentation, legal precedent and other information Applicant asserts its position that the Application meets the submission criteria. The County Attorney shall respond to the issues presented in the Notice of Appeal and include supporting documentation, legal precedent and other information the County asserts supports its position. There shall be no hearing unless ordered by a Commissioner. The Court may request additional information from either party with written notice and shall render a decision on the appeal within ninety (90) days of the date the Notice of Appeal was filed.

If the Application proceeds to a public hearing, notice of a public hearing on the Application shall be posted in a newspaper of general circulation in the County, and the Court shall allow a sixty (60) day period to receive public comments. Once the sixty (60) day public comment period ends, the Court shall hold a public hearing to discuss the application. If the Court determines from public comments and the public hearing that valid design or safety concerns exist regarding the Application, the Court, in its sole discretion, may request additional design or safety measures by the Applicant, which will be afforded sixty (60) days to submit revised plans to address the Court's concerns. After public hearing, if and when the Court determines that all conditions to the issuance of the Permit have been satisfied, upon unanimous approval by the Court, a valid Permit shall be delivered to the Applicant.

3. Application, Permit, and Inspection Fees

No Application shall be accepted unless the Applicant pays the Application Fee and the Permit Fee, as set by the Court. The Court may amend the Application Fee and the Permit Fee at any time. To the extent that an Application is determined by the Court to be extraordinary in terms of the time and attention required to process, inspect and monitor the work proposed, the Court shall assess an additional amount for the Permit Fee up to three (3) times the scheduled Permit Fee, following notice and opportunity for

hearing to the Applicant. The Court shall determine other fees that may apply to a Permit, such as inspection fees, and make the schedule of fees available to Applicants at the precinct offices or other locations as deemed appropriate. Such additional fees shall be due and payable at Permit issuance and the amount as provided in the fee schedule as posted at the time of issuance.

4. Application Insurance Requirements and Permit Bonds

In connection with the Application, the Applicant shall prove that it has purchased policies of insurance insuring the County, its elected officials, officers, agents, servants, employees, and representatives from and against all risks of all property and personal injury loss, claims, causes of action, or other liability of any kind or nature in any way arising from or related to work under the Permit. The policies must be effective prior to commencement of any work and must remain in full force and effect until the work has been completed in accordance with the terms of this Policy. Such insurance policies shall contain completed operations coverage for a period of five (5) years from the date of final completion of all work related to the High Speed Rail Development. Other insurance requirements include:

- Policy issuer shall be an insurance company with an A-VII or better rating;
- A Certificate of Insurance, including the most recent endorsement naming the County as an additional insured under the policy providing for the same rights and remedies of the named insured, providing for a deductible of no more than \$1,000.00 and providing liability coverage in at least the sum of \$1,000,000.00 per occurrence and \$5,000,000.00 in the aggregate shall be tendered in connection with the application for Permit;
- Policy must provide that the County must be given thirty (30) days prior written notice by registered mail before the policy can be cancelled or changed in any material way;
- Risks of loss must include workers compensations, general liability, and motor vehicle liability (including hired and non-owned) both property and bodily injury; and
- Policy must authorize the County to retain its own independent counsel of its choice any action covered by the policies at issue

No Permit shall be issued under this Policy unless and until the Applicant has filed with the Application fiscal surety bonds covering the payment, maintenance, and performance of Applicant (the "Bonds") on the form provided and from sureties reasonably acceptable to the Court in an amount equal to one hundred fifty percent (150%) of the estimated aggregate costs and expenses of the High Speed Rail Development within the County, including the fiscal security amount for erosion and sediment controls and permanent stabilization, as well as the fiscal security amount for on-site/off-site cleanup and remediation of erosion damage and sedimentation build-up. The Bonds shall be irrevocable to the Applicant, contain a detailed description of all activities covered by the Bonds, and require nothing more than written notice to draw upon them. The Bonds shall secure the obligations of the Applicant under the Permit during the construction and development of the HSR covered by the Permit and for a period of

three (3) years thereafter. The County is authorized to draw upon the Bonds at any time to complete the work, maintain the work, or repair and replace the work at the sole discretion of the Court.

5. Indemnification of County

The Application shall include an indemnity statement as prescribed by the Court and signed by the Applicant, and upon submission of the Application, the Applicant is deemed to agree for all purposes that it shall defend, indemnify, save and hold harmless the County, together with its officers, officials, employees, agents, volunteers, and representatives from and against any and all claims, injuries, damages, losses, suits, or costs, including but not limited to attorneys' fees, of any kind or nature arising out of or in connection with any work done by or at the direction of the Applicant under the Permit, to the fullest extent allowed by law.

C. HIGH SPEED RAIL SUBDIVISION SAFETY ZONE DESIGN STANDARDS

1. Environmental Review

In addition to any other requirement of this Policy, an Application must include the information specified in this section. For a preliminary plan, the Application must include:

- an environmental resource inventory as specified below including a survey of critical environmental features, waterways, and proposed setbacks that comply with applicable standards;
- a permanent water quality control plan and a summary that describes how the proposed permanent water quality controls comply with applicable water quality standards and are compatible with drainage plan standards;
- a preliminary construction storm water plan that includes a summary describing how the storm water controls will comply with applicable stormwater pollution prevention plan standards for the proposed construction;
- general construction notes that reference the stormwater pollution prevention plan SWP3, erosion sediment control Plan (ESC), and permanent water quality controls (WQC) for the work under the Permit;
- a water quality report prepared by the design engineer with the following components:
 - a SWP3 component which describes SWP3 and ESC Plan information in a narrative report format;
 - a permanent WQC component which includes the narrative description and calculations justifying the basis for the design of the proposed permanent WQC; and
 - the water quality report components may be submitted as part of the engineer's drainage plan, project summary report, or submitted as a standalone document;
- ESC Plan, construction plan, and detail sheets;
- plan sheet(s) showing the design and details of the permanent water quality controls proposed in the water quality report;

- fiscal surety documentation for erosion and sediment controls; and
- an environmental maintenance plan.

2. Environmental Resource Inventory

An Applicant shall submit an environmental resource inventory, prepared and submitted with to-scale drawings that:

- identify critical environmental features and waterways on the property to be developed and within 400 feet of the property boundary on adjacent properties, the required setback areas, and propose protection measures for the features;
- identify any habitat of a federally-listed endangered species or Texas-threatened species within the area to be developed as well as within 500 feet outside the property line;
- provide an environmental justification for and show areas of cut or excavation, fill and spoil disposal locations, and roadway alignments;
- propose methods to achieve overland flow and justify enclosed storm sewers and show these components;
- include a hydrogeologic report that:
 - describes the topography, soils, and geology of the site;
 - identifies springs and significant point recharge features on the site;
 - demonstrates that proposed drainage patterns will protect the quality and quantity of recharge at significant point recharge features; and
 - includes a water well survey of the site and properties adjacent to the site for a radius of 150 feet, inclusive of recorded water wells and a field survey of the area.
- include a vegetation report describing existing site vegetation, the site's dominant plant communities (such as grassland, riparian, woodland, palustrian, or savanna), a list of the scientific and common names of the dominant species of identified communities, demonstrating that the proposed development preserves to the maximum extent practicable the significant trees and vegetation on the site and provides maximum erosion control and overland flow benefits from the vegetation;
- include a tree survey and tree assessment, as described in further detail below; and
- include a wastewater report that provides an environmental justification for any sewer line proposed to be located in a waterway setback and describes construction techniques and standards for wastewater lines.

3. Native Vegetation and Tree Assessment

The Applicant shall consider the use of native plants and grass cover for the re-vegetation of construction areas wherever it is feasible. In determining whether to use native vegetation for re-vegetation and landscaping, an Applicant shall consider the existing site conditions and planned uses of the area; the degree of urbanization versus the undeveloped, natural character of the area; the limitations of the available water supply for irrigation, and the owners and parties responsible for ongoing maintenance of the area.

An Applicant shall consider selected native vegetation and grass cover for areas that are more rural and natural in character, less urbanized and developed, and areas where regular landscape maintenance is less practicable and more suited to native vegetation, as well as any areas where it is desired to achieve a more natural, low-maintenance landscape condition. Seasonal native wildflowers should be considered for the roadsides and open spaces of Leon County, if it is feasible. An Applicant should consider the use of sustainable designs with native plants to maintain or reduce long-term maintenance costs.

The Applicant must submit a tree survey and tree assessment that evaluates areas proposed for development within the HSR SSZ, on County-owned land, County-leased land, and/or County road right-of-way. The detailed tree survey area extent in the tree assessment must include any proposed right-of-way and easement areas on the site as a minimum. The assessment must include explanations of any alternate right-of-way corridor options considered to save any particularly valuable trees, and the rationale and feasibility of the corridor selected. The assessment must include a tree survey, identification of significant trees, proposed measures to preserve significant trees, and mitigation measures for significant trees that would not be preserved. A tree survey must be certified by a Texas-registered professional land surveyor and conducted in accordance with the most current land surveying practice pertaining to topographic, easement and boundary surveys. The tree assessment must be prepared by a person qualified in the identification of trees present in Leon County and tree condition. When a tree assessment is required, an Applicant proposing activities affecting trees in a HSR SSZ, right-of-way, or right-of-way easement shall submit tree assessment information that includes: trunk location and diameter, tree species, proximity of the proposed construction activities to a tree(s), proposed pruning or removal activities, and proposed protection measures.

The tree assessment will be reviewed as a part of the Application review process. A determination will be made as to whether the tree assessment:

- is sufficiently complete and prepared consistent with this Policy;
- identifies significant trees and sufficiently avoided them in the development design;
- includes an analysis of design constraints, clear zones associated with HSR design, and alternatives; and
- proposes a specific mitigation plan when protected trees are to be lost. A mitigation plan must be at a minimum of a 5:1 replacement value.

The approved tree assessment, the design constraints, tree protection measures, and mitigation plan become a part of the approved HSR Development, and shall be implemented in accordance with the approved Permit.

4. Other Environmental Authorizations Required

It is the responsibility of each Applicant to comply with all applicable federal, state, and local statutes, rules, and regulations. Each Applicant seeking a development permit shall submit documentation that demonstrates that the proposed HSR Development complies with all applicable statutes, rules, and regulations, including but not limited to: Section 10 of the federal Endangered Species Act; Section 10 of the federal Rivers and Harbors Act or Section 404 of the federal Clean Water Act; Any applicable municipal

requirements if the proposed development is located partially or wholly within an extra-territorial jurisdiction of a municipality; The TCEQ industrial or municipal solid waste management requirements under Chapter 361, Texas Health and Safety Code; and Texas Pollutant Discharge Elimination System requirements under Section 402 of the federal Clean Water Act, Section 26.027 of the Texas Water Code, or Section 26.040 of the Texas Water Code, including a TCEQ permit for waste discharge into or adjacent to water in the state, a Notice of Intent along with a Storm Water Pollution Prevention Plan for the discharge of storm water associated with an industrial activity.

5. HSR Development Standards and Specifications

It is the intent of the County to have the highest design and construction standards apply to all HSR Development. Therefore, at a minimum, all HSR Development must comply with the standard specifications set forth in the following (collectively, the "Standard Specifications"):

- The American Railway Engineering and Maintenance-of-Way Association Manual for Railway Engineering – in particular Chapter 17;
- The American Railway Engineering and Maintenance-of-Way Association Portfolio of Track Work Plans;
- The California High-Speed Train Project Design Criteria; and
- The Texas Department of Transportation Design Criteria;
- Bridges, tunnels and underpasses shall, whenever practicable, be designed to cross the public road right-of-way at a 90-degree perpendicular angle to the outer edge of the center line of public road right-of-way. Deviations +/- 15 degrees permitted with a certification from an engineer licensed in the State of Texas that the deviation is necessary or advisable;
- If culverts are used, the culvert must provide 150% of required drainage and be constructed entirely of concrete;
- Horizontal and vertical clearances shall be the highest value provided in the Standard Specifications, but in no event shall the vertical clearance of a bridge be less than 20 feet and the horizontal clearance be less than 30 feet from the centerline of the public road right-of-way; and
- Development that encroaches on a HSR SSZ must be enclosed on both sides beginning 100 feet before entering the HSR SSZ and ending 100 feet after exiting the HSR SSZ and be designed to withstand an earthquake measuring at least 6.0 on the Richter scale.

6. Inspection: General Obligations and Responsibilities

- a) The Applicant will require any contractor performing work under the Permit to keep accessible on the work site a copy of approved construction documents with the latest revisions for the use of representatives of the County. The Applicant and the Applicant's engineer are responsible for the adequacy of the design, the compatibility of the construction documents, the safety of structures, and the practicability of operations of the completed HSR Development. The Applicant must show that he/she has complied with the requirements of the Permit, the approved modifications thereof, and all of the approved additions and alterations thereto. If during the one-year performance period, beginning on the date the Permit is issued by the County and ending

one (1) year thereafter, the HSR Development is damaged, exhibit failures, permanent stabilization is not complete, or have required excessive maintenance due to damage or defects in materials or workmanship, including utility backfills or design inadequacies, or, if, with respect to permanent site stabilization, specified vegetation is not fully established, the Applicant shall take corrective actions, which are acceptable to the County.

- b) Unless otherwise specified, materials and equipment furnished for permanent installation in the work shall conform to all applicable requirements of the Permit and this Policy and shall be new and undamaged when installed or otherwise incorporated into the work. Whether an article of material or equipment is specified by definitive description, or identified only by using a proprietary name or name of a particular manufacturer or vendor, such description shall be taken as establishing the type, function, class, and quality desired. The Applicant, through his/her contractor or engineer, shall submit descriptive information and evidence that the materials and equipment the contractor proposes for incorporation into the work satisfy the specified functions and quality.
- c) Unless otherwise specified, all soil moisture-density tests and other tests performed on the site to determine the quality of material to be incorporated into the project will be as directed by the Leon County Subdivision Department or other agent designated by the Commissioner's Court ("Subdivision Department"). Frequency, time, locations, and procedures of tests will be coordinated and approved by the County inspector. Testing must be conducted by an independent laboratory approved by the Subdivision Department. Payment for all initial testing and all retesting of failed materials will be the responsibility of the Applicant. The Applicant shall perform any restoration or patching required due to testing at no expense to the County. The extent of investigations and retesting due to failed tests will be determined by the Subdivision Department. The Subdivision Department may require two or more passing retests for each failure before acceptance. Manufactured materials to be incorporated into the project shall meet the requirements of this Policy; e.g., reinforcing steel, expansion joint materials, concrete pipe, cement, miscellaneous steel, cast iron materials, flexible base, etc. The Applicant may be required to furnish a manufacturer's certificate stating that the material meets the requirements specified for this project.
- d) The Applicant and his/her contractors shall observe and comply with all applicable Federal, State, and local laws, ordinances and regulations which affect the contract or the work. The Applicant and his/her consultants and contractors shall fully cooperate with the County upon discovery of any described primitive sites, records, and antiquities.
- e) If erosion and sediment controls or permanent site stabilization measures in the approved ESC Plan are found to be inadequate, the Applicant or authorized representative of the Applicant shall be notified to take corrective measures and revise the approved construction plans, ESC Plan, and SWP3 accordingly. If the contractor or primary operator fails to correct the deficiencies, the County may require the contractor to stop construction until the deficiencies are corrected.
- f) The following items, with appropriate plan details and notes, shall be included in ESC Plan Sheets in order to meet all applicable requirements:
 - 1. Scale, north arrow, and legend;

2. A Limits of Construction (LOC) line, clearly showing the areas where soil disturbance will occur;
3. Existing and proposed slope contours before and after final grading and permanent site construction improvements;
4. The name and location of each surface water either on, or adjacent to the site that receives storm water discharges from the disturbed areas of the site;
5. Each structural erosion source control proposed and its location, a description of the site phasing and implementation schedule, and relevant plan notes and plan details, including drainage diversion and dissipation details. Each non-structural erosion source control proposed in the ESC and BMP sheets shall be included in the plan notes, descriptions, and details;
6. Each sediment control proposed and its location, a description of the site phasing and implementation schedule, and relevant plan notes and plan details, including each sediment pond with design information, sediment trap, perimeter controls, and interior control;
7. Each permanent erosion and soil stabilization control proposed and its location, a description of the site phasing and implementation schedule, and relevant plan notes and plan details, including: temporary stabilization measures, permanent vegetative stabilization measures, and permanent structural erosion control measures;
8. Drainage area boundaries, the acreage of each drainage area, and flow arrows from the project's proposed drainage plan must be included on the site plan maps for structural erosion source controls, temporary sediment controls, and permanent erosion and soil stabilization controls;
9. Each permanent water quality control, other permanent BMPs, areas of waterway or critical environmental feature setbacks, and permanent site improvement proposed for the project;
10. Other controls and pollution prevention measures proposed for which a location on the site plan is necessary and a description of the implementation schedule, plan notes, and plan details as applicable, including each stabilized construction entrance and locations where construction vehicles will enter or exit directly onto a public street, concrete wash out area, vehicle maintenance and washing area, fuel tankage; dewatering controls for any pond, details for any temporary waterway crossings including protection measures, excavations, and other non-storm water controls;
11. If known, depiction of each construction support activity and associated controls on-site or directly adjacent to the site, including each staging and stockpile area, haul road, temporary storage and permanent disposal area for fill and spoil, and asphalt or concrete batching;
12. Notes and details depicting excess fill generation areas, any off-site disposal planned for the project, estimated fill quantity, and off-site location;
13. Each storm water outfall (existing and planned) and other points, where discharges associated with the construction activities site will occur;

14. Survey of all trees or clusters of trees eight inches in diameter or greater which are proposed to remain within the limits of construction, including a roadway clear zone or sight distance area, showing locations, diameters, and species;
 15. All proposed temporary and permanent tree protection measures showing methods to be used to avoid and preserve trees, such as borings, tree wells, or guard rails;
 16. A complete legend for each symbol used on the plan sheet for the various controls and BMPs, and standard and special specification details and plan notes;
 17. Plan sheets showing drainage layout, plan and profile, detention and water quality ponds, and construction detail shall include additional technical standards, setback boundaries, notes, and details necessary for constructing all applicable permanent erosion control measures and permanent water quality controls; and
 18. Legible professional engineer's seal and signature.
- g) Non-storm water discharge controls must be included and described in the SWP3 and ESC Plan details consistent with the following standards:
1. Controls and measures must minimize the off-site vehicle tracking of sediments and the cleanup of any public roads or off-site areas adversely affected.
 2. Controls and measures must minimize the generation and migration of dust.
 3. Controls and measures for de-watering must be included in the ESC Plan to minimize the offsite transport of suspended sediments and other pollutants if it is necessary to pump or channel standing water from the site, including from sediment ponds, trenches, and excavations impounding surface water or groundwater seepage. When discharging from a basin or impoundment, an outlet structure that withdraws water from the surface must be used whenever possible. A discharge from dewatering activities, including a discharge from dewatering of a trench or excavation, is prohibited unless effective sedimentation, collection and disposal, or a similarly effective treatment occurs prior to discharge.
 4. Specified control measures must be included in the ESC Plan when working directly in or directly adjacent to a waterway to prevent and minimize pollutant discharges into such water, including work involving the construction of bridges, culverts, utilities, or other waterway construction. ESC Plan measures for temporary waterway crossing structures for vehicles and equipment must include the location, plan details, materials, ESC measures, ongoing management practices, and protection measures to prevent pollution of the waterway, including the additional measures necessary when there is flowing or pooled water present in the stream bed.
 5. When the area of land disturbance or limits of construction adjoin either a waterway setback or critical environmental feature setback, an appropriate barrier or demarcation of the protected area must be placed to delineate the construction site for the purpose of preventing disturbance and degradation of natural areas protected from development activities.
 6. Controls for wastewater discharges from concrete washout and water well drilling operations must contain wash outs on land surfaces without discharge to water in the State. Concrete wash out without appropriate pollution prevention measures is prohibited.

7. Controls must completely prevent the discharge of wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials. Pollution prevention measures must include collection, storage, and off-site disposal of these wastes in accordance with all TCEQ requirements.
8. Controls for vehicle washing must minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge; discharges of soaps or solvents used in vehicle and equipment washing are prohibited.
9. Methods for handling human waste generated by construction site personnel or others who are anticipated to be on-site must be addressed. BMPs may include use of permanent facilities, portable toilets, or other methods that will prevent the discharge of sewage into or adjacent to water in the State. Portable toilets and other facilities must be adequately secured to prevent overtopping or spillage due to wind or other factors. Toilets not plumbed to an on-site sewerage facility or centralized wastewater collection system must be emptied and transported off site to an appropriate disposal facility at a frequency to prevent overflows, objectionable odors, or other nuisance conditions.
10. Any additional, anticipated non-storm water discharges must be listed in the SWP3 and the ESC Plan must specify the BMP measures selected.
11. A description must be provided in the SWP3 of construction solid waste and hazardous substances expected to be generated or stored on-site. Controls and measures must be implemented to eliminate and prevent pollutant discharges from solid waste and hazardous substance handling, including recycling and disposal as appropriate. In preparing the SWP3, an applicant shall consider how to eliminate and prevent pollutant discharges from materials such as the following: trash, litter, construction or demolition debris, residual or surplus construction materials of all types, surplus containers of chemical or hazardous substances, soil contaminated from an oil or hazardous substance spill, cut or uprooted vegetation such as trees and brush, and waste from sanitary facilities provided for personnel.
12. Measures are required to be developed and implemented to minimize the exposure of the following materials to precipitation and storm water runoff: building materials, building products, construction waste, landscape materials, fertilizers, pesticides, herbicides, detergents, petroleum products, automotive fluids, sanitary waste, and other construction and industrial materials present on the site.
13. The SWP3 shall include a description of spill prevention measures, and spill response, clean-up, and reporting procedures to prevent and minimize the discharge of pollutants, to the maximum extent practicable, from spills and leaks of oil and hazardous substances on the site. The plan must follow all TCEQ and local regulations. Spill response procedures must include personnel training on product and safety information, and procedures must be adjusted as necessary for improvement and to prevent particular types of spills from reoccurring.

14. A description of potential pollutant sources from areas on the project site, other than construction areas, is required in the SWP3. These other sources include construction support and maintenance areas and activities dedicated to construction site operations, including dedicated asphalt and concrete batch operations, when applicable. A description of controls and measures that will be implemented for these activities shall detail how pollutant discharges will be prevented and eliminated.
- h) Temporary and permanent best management practices shall be employed to prevent polluted storm water runoff from all construction and development activities from entering water in the State during the construction process until final site stabilization is complete.
 - i) The Applicant or primary contractor shall place and maintain a rainfall gage at a location on site, subject to review by the County inspector, which will collect an accurate, representative rainfall sample. The gage shall be graduated at least in one-tenth inch increments with a capacity of at least five inches. The Applicant shall inspect the gage within any 24-hour period during which any rainfall event has occurred at the site. The 24-hour rainfall quantity, date, time, and name of the person logging the result shall be recorded in a written log and the applicable SWP3 Inspection Report. The inspection of the gage must take place within one hour of the time the previous day's reading was logged, whenever there are successive rainfall events lasting more than 24 hours. The rainfall log shall be retained in the SWP3 Site Notebook and shall be readily available for review by the Inspector. At the request of the Inspector, a copy of the rainfall log shall be promptly provided.
 - j) Every water quality report, regardless of the location of the project, must include the following general site and project description information:
 - 1. A description of the nature of the construction activity and a summary of the primary and secondary construction project types and operations planned, including the major construction improvement site features planned;
 - 2. A summary list or table of potential pollutants, including sediment from runoff, sediment from non-storm water discharges, solid wastes from miscellaneous construction activities, petroleum hydrocarbons from vehicle and equipment maintenance and asphalt operations, and pollutants from miscellaneous industrial and construction materials, their sources, and proposed controls. For each pollutant and source, the summary or table must specify the section or location in the construction plans or SWP3 Site Notebook where the controls for the pollutant are listed and described;
 - 3. A description of the intended schedule or sequence of construction activities that will disturb soil for major portions of the site and the following additional information:
 - i. Each construction project and each discrete major phase of a multi-phase construction project or common plan of development shall have a detailed sequence of construction
 - ii. The detailed sequence of construction and best management practices implementation for each project phase shall list major construction operations and site improvements summarized in paragraph (i) of this subsection and the implementation, phasing, and scheduling of the ESC Plans required for these operations and improvement features. These include all the erosion source

controls, sediment controls, temporary and permanent stabilization controls, and other controls and pollution prevention measures in the approved plans. Calculations for sediment controls other than sediment basins must be submitted to verify sizing, sediment removal performance, or appropriateness of the chosen sediment control; and

- iii. A time line describing the total months estimated from the start of construction to the completion and final stabilization of the site shall be included for the project, including each discrete major phase, if applicable.
- k) Structural sediment controls must be designed to protect all disturbed soil areas from discharging sediment off of the construction site. Sediment control structures must capture and temporarily detain the required storm water runoff volume and must effectively retain sediment from the range of soil particle sizes expected to be present at the construction site, to the maximum extent practicable. Silt fencing or equivalent sediment controls are required for all down slope boundaries of the disturbed construction site area where runoff can discharge off-site.
 - l) Each permanent structural and vegetative erosion control design specified in the ESC Plan must prevent long term erosion of site improvements, reduce runoff velocities, and achieve full, permanent vegetation coverage and final site stabilization, including prioritizing the stabilization of critical site improvements.
 - m) All ESC, BMP, and protective measures identified in the approved plans, the ESC Plan, and SWP3 must be maintained by the Applicant in effective operating condition. If, through inspections or other means, the Applicant or Inspector determines that a BMP is not operating effectively, then the Applicant shall perform maintenance as necessary to make the storm water controls effective.
 - n) Necessary corrective actions must be accomplished within seven days or as specified in the inspection report prepared by the Inspector. When consecutive runoff events occur within 24 to 48 hours, corrective actions must be accomplished prior to the next rain event, to the maximum extent practicable.
 - o) The following minimum setbacks are established around each critical environmental feature:
 1. For a cave, sinkhole, spring, and wetland, the minimum width of the setback is 150 feet from the edge of the critical environmental feature.
 2. For a point recharge feature, the required setback coincides with the topographically defined contributing surface drainage area to the feature, except that the width of the setback from the edge of the critical environmental feature must not be less than 150 feet and the setback need not extend greater than 300 feet, depending on the boundaries of the surface drainage area.
 3. For a bluff or canyon rimrock feature, the minimum setback must be 50 feet.
 - p) Within a critical environmental feature setback:
 1. the natural vegetation cover must be retained to the maximum extent practicable and the Applicant must maintain the critical environmental feature setback to preserve the water quality function;
 2. construction and related activities are prohibited;
 3. perimeter fencing with not less than one access gate must be installed at the outer edge of the critical environmental feature for all point recharge features; and

4. wastewater disposal and irrigation are prohibited.

7. Inspection: Protection of Person and Property

- a) The Applicant shall be responsible for initiating and maintaining all safety precautions and programs in connection with the work. The Applicant shall take and require his/her contractors to take all reasonable precautions for the safety of and shall provide and require his/her contractor to provide all reasonable protection to prevent damage, injury, or loss to:
 - (1) All employees on the work and all other persons who may be affected thereby;
 - (2) All the work and all materials and equipment to be incorporated therein, whether in storage onsite, under the care of, custody or control of the Applicant or any of his/her contractors or subcontractors; and
 - (3) Other property at the site, including trees, shrubs, lawns, walks, pavements, fences, roadways, structures, and utilities not designated for removal, relocation, or replacement in the course of construction.
- b) The Applicant shall require his/her contractors to comply with all applicable laws, ordinances, rules, regulations, and lawful orders of all public authority having jurisdiction for the safety of persons or property or to protect them from damage, injury, or loss. The Applicant and his/her contractors shall be responsible for the erection and maintenance, as required by existing conditions and progress of the work, of all reasonable safeguards for safety and protection, including posting danger signs and other warnings against hazards, promulgating safety regulations and notifying owners of adjacent properties and utilities of potential dangers caused by the work.
- c) The Applicant shall be responsible for and shall require each contractor or primary operator to take proper means to protect the adjacent or adjoining property, and any private properties from any injury, damage, or serious effects related in any reasonable way to any process of construction to be undertaken by the Applicant or authorized representative of the Applicant. The Applicant shall be liable for any and all claims for such damage on account of the failure to fully protect all adjoining, adjacent, and private property.
- d) The Applicant shall construct permanent subdivision safety zone impact walls on both sides of the HSR Development under the Permit, beginning 100 yards before entering the outer boundary of a subdivision and ending 100 yards after exiting the outer boundary of a subdivision. The HSR SSZ impact walls shall be of sufficient height and depth to create a barrier that shall, in the event of an accident involving the High Speed Rail, prevent any potential debris from impacting adjacent property.
- e) The safety of the public shall be regarded as of prime importance. All portions of the existing public streets adjacent to the HSR Development shall be kept open and provide a smooth, comfortable ride to traffic. It shall be the responsibility of the Applicant to ensure that two-way traffic may safely bypass the construction site and that access is provided to abutting private property.
- f) The Applicant shall require the contractor to plan and execute the construction operations in a manner that will cause the minimum interference with public traffic and place and maintain in

good condition standard barricades at each entrance to the work and at other locations where traffic is rerouted or blocked from using regular public traffic lanes. Barricades and warning signs shall be in accordance with the latest edition of the Texas Manual on Uniform Traffic Control Devices. All barricades placed in or adjacent to the public roadway for the purpose of warning or directing traffic shall have flashers attached for use during the hours of darkness.

- g) The Applicant must obtain Court approval to close any public street for any length of time. After approval by the Court, which may take up to 30 days if there are no objections to the closure, the Applicant shall require the contractor to notify County staff at least four (4) days (excluding Saturdays, Sundays, or holidays) in advance of an intention to close or block a public street. Partial blocking of a public street must be approved by County staff. If the contractor's operation reduces an existing public two-way roadway to less than twenty (20) feet, the contractor shall provide flagmen and route traffic through the construction area one lane at a time. A flagman will be required any time it is necessary for construction equipment to move into or across a public traffic lane. A flagman shall be utilized to aid the exit of construction equipment from public traffic lanes to the work area and the entry of construction equipment from the work area to public traffic lanes. Flagmen will be dressed and operate in accordance with the Texas Manual on Uniform Traffic Control Devices.
- h) Barricades and signs with flashers shall be erected at each entry to the work to notify and warn the public that the area is under private construction and should be entered only at their own risk. Reflectorized regulatory signs shall be installed on each side of every entry road in the right-of-way stating, "Private Road Enter at Own Risk". Signs shall be the size and color as R-11-2 of the Texas Manual on Uniform Traffic Control Devices, 1980, and mounted on Type III barricades or two substantial posts per sign. A standard stop sign will be installed on the right side of each existing roadway at its point of intercepting a public roadway. These barricades and signs shall be maintained in good condition until the work is accepted by the Court, at which time they will be removed by Applicant. In the event that the Applicant allows these control measures to deteriorate to a condition not acceptable to the County, and the conditions remain for twelve (12) hours after written notice has been duly served, the County may use its forces, or private contractual forces, to restore the barricades, signs, and flashers to a safe condition, at cost to the Applicant. Continued neglect by the Applicant may result in suspension of permits and initiation of legal restraints. The Applicant shall make monetary restitution for the County's costs of restoring the barricades, signs, and flashers before the County will approve the construction or recommend acceptance of the improvements to the Court.
- i) The Applicant and his/her contractors are solely responsible for the location and protection of any and all public utility lines and utility customer service lines in the work area. The contractor shall exercise due care to locate and to mark, uncover, or otherwise protect all utility lines in the work area. Upon request, the utility owners will provide such information they have as to the location and grade of water, wastewater, gas, storm sewer, and telephone and electric lines and other utilities in the work area; but such information shall not relieve the Applicant or his/her contractor's obligation thereunder, which shall be primary and non-delegatable. Any utility lines damaged by the contractor's operations shall be immediately repaired by the contractor on approval of the utility or the Applicant shall cause such damage to be repaired at his/her expense.

- j) An Applicant's or his/her contractor's use of County right-of-way and other public easements is subject to County regulations, is nonexclusive and does not establish any priority over other users. All work done in the right-of-way or public easements must be pursuant to a permit issued by the County. Except for emergency repairs necessary to restore service or to protect the public, all such work must be done under a County HSR Crossing Permit issued prior to the start of construction. All Contractors must request a street cut permit on the "One-Call System" by calling 512-472-2822 and the Texas Underground Facility Notification Corporation. The request must include a description of the work area and work to be performed. This call will automatically start a 48-hour maximum time period for the utilities to respond with the locations of their utilities and/or advice. The County and the utilities will respond to or reject a request for a permit within 48 hours, during a regular work week, excluding Saturdays, Sundays, and holidays.
- k) If sediment originates from construction activities on the project site and discharges off-site, the Applicant or Applicant's contractor must remove any accumulations that adversely affect off-site property and water in the State.
 - (1) Accumulations must be removed at a frequency that eliminates or minimizes to the maximum extent practicable any adverse impacts, and the removal must be accomplished prior to the next rain event whenever feasible.
 - (2) If the Applicant does not own or operate the off-site conveyance, the work must be accomplished by working with the owner or operator of the property to remove the sediment.
 - (3) The removal and remediation work for any off-site sediment impacts proposed by the Applicant must be approved by the off-site property owner and the County, prior to such work being done.
 - (4) The proposal must demonstrate that no further adverse environmental impacts will result from the remediation work.
 - (5) If there is an accidental or intentional discharge of any pollutant that poses a significant threat or an actual impact to human health, safety, or environmental quality, the person responsible must immediately take all necessary steps to ensure containment of a discharge source and cleanup of the released pollutants with appropriate permission from an affected landowner.

8. Inspection: Responsibilities of the Applicant

- a) The Applicant shall designate a representative(s) to be responsible for all communications with the County concerning the work. The inspected work must not deviate from the approved construction documents. The Applicant shall require the contractor to provide a competent construction superintendent and any necessary assistants to supervise and direct the work during its progress. The Applicant shall insure that no work is done or materials used without qualified supervision and inspection.
- b) County inspectors will be authorized to inspect all work done and all materials furnished. Such inspection may extend to all or to any part of the work, and to the preparation or manufacture of the materials to be used. The inspector assigned to the work will report the progress of the work

and the manner in which it is being performed. The inspector will also report whenever it appears that the materials furnished and the work performed by the contractor fail to fulfill the requirements of the Permit, construction documents, or this Policy, and to call the attention of the contractor and the Applicant to any obligation to perform the work in accordance with the requirements of the Permit, construction documents, or this Policy. In case of any dispute arising between the contractor and the Inspector as to materials furnished or the manner of performing the work, the inspector will issue a notice to the Applicant and contractor of Unacceptable Work, which will remain in effect until the work is corrected or the question at issue can be resolved by the Applicant. The inspector will not be authorized to revoke, alter, enlarge, or release any requirement of Permit, construction documents, or this Policy, nor to approve or accept any portion of work, nor to issue instructions contrary to the Permit, construction documents, or this Policy. The inspector will in no case act as foreman or perform other duties for the contractor or interfere with the management of the work.

- c) The Applicant will distribute approved plans prior to convening a Preconstruction Conference. The Preconstruction Conference will be held prior to start of any construction. As a minimum, the conference shall consist of introduction of all parties with an exchange of phone numbers and addresses and a discussion of: (1) start dates and schedule of events; (2) erosion and sedimentation controls; (3) traffic control and barricades; (4) superintendence; (5) special conditions or provisions to plans and/or specifications; and (6) final acceptance guidelines. The distribution of the minutes of the Preconstruction Conference will be made by the Owner to all parties in attendance. A minimum of two days' notice of the conference will be given to the:
 - 1. Applicant's representative;
 - 2. Consulting engineer for the Applicant;
 - 3. Contractors for roads, drainage, and utilities;
 - 4. County engineers, if appropriate;
 - 5. Water and wastewater construction inspectors, if appropriate;
 - 6. County Inspectors.
- d) It is anticipated that through the Preconstruction Conference and the cooperation of the Applicant, Contractor, Superintendent, Primary Operator, and Inspector, only a forty-eight (48) hour advance notice of intent to begin the work will be required. However, other circumstances may require additional advance notification. The inspector shall be given the opportunity to inspect and test before, during, and after the operation of various stages of construction. The Inspector shall be notified at least twenty-four (24) hours before concrete is placed to allow the scheduling of onsite testing. The Inspector shall be notified as early as practicable but no less than twenty-four (24) hours in advance of any work to be performed on Saturdays, Sundays, or holidays.
- e) Field inspections and field control tests shall include, but not be limited to the following:
 - 1. Utility installation backfill and density tests, as required;
 - 2. Preconstruction inspection of any onsite or local sources of base material; and
 - 3. If directed by the County, the testing laboratory shall make site investigations to determine that quality of material expected to be produced from the source or sources meets gradation and Atterberg specifications. Satisfactory test reports from onsite or

local sources and/or stockpiles shall not preclude rejection of material which, when placed on grade, fails to meet specification requirements.

- f) Construction plans must be approved by the County. A County HSR SSZ Permit must be obtained before construction begins. If construction is not underway within one hundred eighty (180) days from the date of approval of the plans by the County, any Permits will expire and renewals will be required. If construction ceases for a period of one (1) year, the Applicant must resubmit all Construction Plans prior to beginning construction again and obtain a new Permit.
- g) Neither the County or Applicant may waive the obligations of the Construction Plans and construction documents. The failure or omission of the County to discover, object to, or reject any defective work or material will not release the Applicant from the obligations to fully and properly complete the work, including without limitation, the obligation to at once remove and replace any defective work or material at any time prior to final acceptance, upon the discovery of said defective work or material. The Subdivision Department shall, upon request of the contractor or Applicant, inspect and accept or reject any material furnished. In the event the material has been accepted by the Subdivision Department, such acceptance shall be binding, unless it can be shown that such material furnished has changed in character to the extent that it does not meet the specifications for the work. Any work for which a notice of unacceptable work has been issued may be re-examined by the Subdivision Department at any time prior to final acceptance and, if found not in accordance with the Construction Documents for said work, the Applicant is responsible for the expense of its removal, re-examination and replacement.
- h) When inspection or approval is specifically required by the specifications prior to performance of certain work and the contractor proceeds with such work without requesting prior inspection or approval, the Applicant shall bear all expenses of taking up, removing, and replacing this work, if so directed by the Subdivision Department.
- i) If any material brought on the site of the work for use in the work or selected for the same shall be deemed by the Subdivision Department in writing to the contractor and the Applicant to be unsuitable or not in conformity with the Construction Documents, or the intent thereof, the Applicant shall require the contractor, after receipt of written notice from the County, to forthwith remove such material and rebuild or otherwise remedy such work so that it shall be in full accordance with the Construction Documents.
- j) In the event the Inspector renders any decision which in the opinion of the Applicant or his/her consulting engineer is not in accordance with the meaning and intent of the Construction Documents and the Applicant or consulting engineer are unable to resolve the matter with the assigned Inspector, the Applicant may submit a written objection to the decision, explaining why the decision is not in accordance with the Construction Documents to the Commissioner of the precinct in which the work is undertaken. A copy of the objection will be sent to the Inspector.
- k) The Commissioner will make a decision regarding the objection within five (5) working days of its receipt.

9. Inspection: Approval of Construction and Performance Period Guarantee

- a) HSR Development under a Permit will be considered "substantially complete" when, in the opinion of the Applicant and the Applicant's engineer, all work on the project has been completed in accordance with the approved construction plan, SWP3, and Permit, the Applicant's engineer shall submit a concurrence letter to the County stating the project has been substantially completed in conformance with the approved plans and Permit. When the Applicant or the Applicant's engineer considers a project to be substantially complete, the Applicant will:
1. Notify the Inspector in writing that the work has been substantially completed;
 2. Request a list of any unfinished work to be completed; and
 3. Require the engineer to prepare and forward to the County:
 - i. the engineer's concurrence letter certifying compliance and requesting final inspection; and
 - ii. the Construction Summary Report, which is required for advance preparation of the County Approval of Construction Letter.
- b) Within four (4) working days after the Applicant or the Applicant's engineer has given the Inspector written notice that the work has been substantially completed, the Inspector will review the work and a report will be prepared for the Applicant with copies for the Applicant's engineer and the contractor. This report will include:
1. Any remaining items discovered which do not comply with the Construction Documents;
 2. Requirements of the County previously required and not completed; and
 3. Any other items required for the issuance of the Approval of Construction Letter. The Inspector's report shall not excuse the Applicant from requiring his/her contractors to perform all the work required by the Construction Documents regardless of the time of discovery.
- c) A construction approval meeting will be convened at a time agreed to by the Inspectors and the Applicant. The Inspector will also invite contractors as appropriate and the Applicant's engineer. An Approval of Construction Letter will be issued by the County if all items listed below in this section are in order. If there are exceptions, an approval letter will not be issued and a letter of exception will be issued for the exceptions. An Approval Letter will then be issued when the exceptions are cleared. The Approval of Construction Letter will not be issued until the following documents are submitted to the County:
1. The Construction Summary Report;
 2. The Owner's Engineer Concurrence Letter;
 3. Reproducible Plans, certified as "Record drawings", by the Applicant's Consulting Engineer, including any documentation on the drawings to meet any applicable requirements of subsection (h);
 4. The Bond or bonds for the five-year performance period;
- d) After the Approval of Construction Letter has been issued, any public streets and drainage will be accepted by the Court and the construction will be monitored by the County for the five year maintenance period. If damages, failures, or defects appear or if unsatisfactory stabilization or unsatisfactory re-vegetation occurs, the Applicant will be notified to make corrections.
- e) The Applicant shall provide a Performance Bond or other acceptable performance security as security against damages or defective work which occur during five-year Performance Period

which begins after acceptance of the Improvements. The Performance Bond will bind the Applicant or contractor to correct any defects in materials, workmanship (including utility backfills), or design inadequacies, or damages, which may be discovered within said five-year Performance Period. The Applicant must correct or cause the contractor to correct at his/her own expense, such damage or defects within 30 days after receiving written notice of such defects from the County.

- f) If the Applicant fails or refuses to correct such defects within the said 30-day period or to provide acceptable assurance that such work will be completed within a reasonable time thereafter, the County may decide to correct or cause to be corrected any such damages or defects and call down the Performance Bond.
- g) After the Approval of Construction Letter has been issued, any streets and drainage will be accepted by the Commissioners Court and the construction will be monitored by the County for the five year Performance Period. If failures or damages appear, the Applicant will be notified to make corrections. Upon the expiration of the five-year Performance Period with no damages or defects which the County notifies the Applicant must be corrected, the County will release the Performance Bond.

10. Noise, Dust and Debris

Applicant shall conduct and carry out excavation work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The Applicant or Applicant's contractor shall take appropriate measures to reduce noise, dust and unsightly debris. Between the hours of 7:00 p.m. and 7:00 a.m. the Applicant or Applicant's contractor shall not use any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property. Where any activity results in the depositing of debris, upon the public right-of-way, in such a way as to constitute a hazard or annoyance to the public, or cause damage, potentially or otherwise to any County structure, the person, firm, organization or otherwise responsible party shall immediately remove such debris and desist from any further action which would cause depositing of debris to continue. The County may, from time to time, direct the Applicant to take actions to reduce the impacts to adjoining properties, such as dust control, temporary sound mitigation actions, and/or debris disposal. The Applicant shall comply with all reasonable directives immediately. In no event shall the Applicant, nor its contractors, bury debris within the County. Additionally, the Applicant and its contractors shall not dispose of excess excavation materials outside the terms of the Permit. Failure to comply with this provision may result in suspension or revocation of any/all Permits held by the Applicant.

11. Revocation of Permit

All Permits issued under this Policy shall be temporary in nature, and shall not vest any permanent right to the holder of the Permit. Permits may be revoked by the Court without advance notice, if at any time the work under the Permit is determined not to be in compliance with the work approved under the Permit or applicable standards. Subject to weather restrictions, work under a Permit must commence within thirty (30) days of the date of its issuance and shall have a duration of no more than one hundred

eighty (180) days from commencement of the work. Permits will be deemed revoked unless Applicant receives an Approval of Construction Letter from the Court stating that all work under the Permit has been completed to the satisfaction of the Court within one hundred eighty (180) days of the issuance of the Permit. If a Permit is revoked or has expired, absolutely no work shall be performed unless and until a new Permit is obtained and all applicable fees associated therewith are paid. If the holder of an expired Permit does not seek and obtain a new Permit within thirty (30) days of the date of revocation or expiration and work remains to be completed, the County may draw on the Bonds and perform the work or cause the work to be performed. In no event shall the work covered by a Permit be placed in service prior to the issuance of the Approval of Construction Letter from the Court.