
Right of Way - Application for Encroachment Submission & Review

INSTRUCTIONS

Prior to completing the following Application for Encroachment Submission & Review, please review these instructions to determine if an application is required and to ensure that all necessary information has been obtained. Failure to follow these instructions or to provide the required information will delay the approval process.

Max Midstream Field Representative Coordination – Discuss with the Max Midstream Field Representative a summary of the project and potential encroachments. A Max Midstream Field Representative will determine if any additional information such as pipeline depth of cover is necessary and if an application is required.

Application and Encroachment Submission –

SUBMIT APPLICATION AND PLANS TO:

Max Midstream Texas, LLC
Land Department
Attn: Encroachment Review
3009 Post Oak Blvd, Suite 1210
Houston, TX 77036

OR

Operations@Maxmidstream.com
With subject line reading
“Encroachment Review Application”

Max Midstream requires a minimum of 60 days for technical review upon receipt of complete application with all relevant fees and complete and accurate design plans. Submission of plans electronically to the above email address is encouraged and acceptable, but signed application and fees must follow by mail to the address listed above.

Relocation or Modification – Should the initial encroachment review result in a determination that Max Midstream facilities must be relocated or modified because of the request, additional review time may be required. A Feasibility Study will be performed to prepare a scope of work, cost estimate, schedule and project plan; the cost of which will be borne by a party or parties other than Max Midstream and must be paid before the relocation or modification will commence. A Technical Services Agreement between Max Midstream and the responsible entity will be prepared to specify the duties of each party. A Letter of No Objection or Encroachment Agreement will be issued which will authorize the construction of the proposed encroachment under certain terms and conditions.

Permission / Notification - A fully-executed Approval Letter, Encroachment Agreement, Reimbursement Agreement, and/or Technical Services Agreement is needed prior to construction. Max Midstream must be notified 10-days prior to construction to allow for the scheduling of a Max Midstream representative to be present. It is also the encroaching entity's responsibility to notify the owners of any other pipelines, communication lines, other third-party property or facility owners located within the proposed project area and to secure any additional needed rights from these parties where Max Midstream's rights are limited.

If construction of the aforementioned project does not commence within three calendar years of the issued approval letter date, the Crossing Party shall submit a new application and resubmission fee. The Company shall have the right to reconsider the conditions and privileges granted and have full right to consider current policies and procedures at the time of resubmission.

APPLICATION FEES: A non-refundable Encroachment Application Fee must accompany all encroachment review requests for private development within Max Midstream's right-of-way. Any request submitted without the required application fee, or that does not contain the specified information in the format requested on the application, may not be considered. Remit payment by check payable to: Max Midstream Texas, LLC. Max Midstream may require a developer to enter an agreement to pay any outside consultant costs that Max Midstream deems necessary for a complete review of the proposed encroachment(s).

Initial Encroachment Application Fee is \$3,000. Following the initial review, any necessary plan resubmissions until plan approval, shall be accompanied by a **Resubmission Fee of \$750 / each.**

Small Project Application Fee is \$500. At The Company's discretion - This reduced fee is reserved solely for single utility line service crossings or requests for installation of a fence or other residential-related improvement within Max Midstream's pipeline easement.

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PROJECT INFORMATION & LOCATION

MAX MIDSTREAM TEXAS, LLC.

Project Title _____

Project Address _____ City _____ State _____ Zip Code _____

Latitude _____ Longitude _____ Municipality _____ County _____

APPLICANT INFORMATION:

 Name and Title of Applicant

Company _____ Email Address _____ Phone Number _____

Address _____ City _____ State _____ Zip Code _____

LEGAL NAME OF INDIVIDUAL, COMPANY, OR ENTITY TO WHICH PERMISSION WILL BE GRANTED:

Name _____ Name and Title of authorized signatory for company or entity _____

Address _____ City _____ State _____ Zip Code _____

Email Address _____ Fax Number _____

PROJECT INVOLVES THE FOLLOWING IMPACTS TO MAX MIDSTREAM'S FACILITIES (CHECK ALL THAT APPLY):

- Cover, grading, and drainage pattern changes
- Aboveground and/or underground structures
- Road, driveway, sidewalks, and parking areas
- Utility crossings including gas, water (steam), sewer (storm/sanitary) – include trench backfill detail
- Electrical, fiber-optic, and communications cables
- Temporary access roads for the crossing of heavy/construction equipment
- Railroad crossings
- Farming and field tile
- Construction-induced vibrations
- Blasting operations (attach BLASTING PLAN)
- Seismic vibrating operations (attach SEISMIC VIBRATING PLAN)
- Exposure of the pipeline (attach SUPPORT PLAN)
- Boring, drilling, or tunneling near the pipeline (attach DRILL PLAN)
- Other: _____

APPLICATION MUST CONTAIN THE FOLLOWING:

- Completed and Signed "Application for Design Plan Submission and Encroachment Review" Form
- Encroachment Application Fee** (see guidelines on page 1 of the application)
- Design Plans (1 paper copy, 1 electronic copy), depicting the following:
 - Field-verified location of Max Midstream pipeline(s) location and width of Max Midstream's easement tract

_____/_____/_____
Name of Max Midstream Employee Date of Pipeline Locating Activity Design One Call No.

- Field-verified depth of Max Midstream pipeline(s) along all proposed road or utility crossings, drainage channels, and all other areas of proposed grade change within the pipeline right-of-way (attach a copy of any field data provided by Max Midstream Representative)

_____/_____/_____
Name of Max Midstream Employee Date of Pipeline Depth Investigation

- Max Midstream pipeline(s) labeled " _-inch High Pressure Petroleum Products Pipeline" (line type "-HPPPP-")
- Max Midstream included on Utilities List, and Local Contact and phone number on plans
- Max Midstream Pipeline(s) highlighted in yellow. List all plan sheets on which Max Midstream facilities are located:

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- Location of ground disturbances (blasting, seismic testing, pile driving, jackhammering, etc. within 1,500 feet of Max Midstream pipeline(s))

- Proposed location(s) where construction equipment will cross the pipeline right-of-way
- Structure setback distances from the pipeline right-of-way and from the nearest pipeline
- Proposed landscaping within 25 feet of either side of the pipeline(s)
- Any permanent fencing that will limit/encumber Max Midstream's access to the pipeline right-of-way
- If the drainage pattern will be altered in any way over the Max Midstream pipeline(s), a drainage plan that identifies new flow paths and all inlet/outfall/collection points
- Right-of-Way Use Restrictions specification pages 1-13 included as part of final design plan (can be done by adding a drawing sheet to plans and appending (cut and paste) the specification onto this sheet.

For property improvements that involve grade/pavement alterations, road work (new construction or improvements of existing), utility crossings (buried and overhead), or other subsurface or on-surface structure installations within Max Midstream's right-of-way:

- Separate plan and profile drawing of Max Midstream pipeline(s) for existing and proposed conditions.
- Subgrade details that show materials and thickness of each paving layer/course.
- Amount of existing cover that will be removed or new cover added over the pipeline(s), and proposed final grade amount of cover over the pipeline(s).
- Clearances between Max Midstream's pipeline(s) and any existing and new (buried or overhead) utilities that cross the pipeline right-of-way.
- Show the clearances between Max Midstream's pipeline(s) and each proposed substructure at the two closest reference points.

- For any utility to be installed via boring, drilling, or tunneling, include a detailed procedure of this work with your design plans. **Note:** "Blind" boring is not permitted. Max Midstream's pipeline(s) must be exposed during the bore operation to ensure that the bore head crosses safely underneath the pipeline(s).
 - Indicate any areas of disturbance or other work that will require Max Midstream's pipeline(s) to be exposed in order to perform your work.
 - Supplemental Plan Information (as applicable)*
 - Blasting Vibrating Plan
 - Seismic Vibrating Plan
 - Support Plan
 - Drill Plan
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I hereby authorize Max Midstream to contact the Engineer/Survey firm which prepared the drawings, survey and attachments.

I certify that the information provided is accurate and I realize that incomplete information may delay processing or invalidate this application.

Signature of Applicant

By: _____

Name: _____ Date: _____

Title: _____

**PAYMENT INFORMATION
(APPLICANT TO COMPLETE)**

Check Number: _____

Payment Amount: \$ _____

Attachment 8: Blasting Plan Submission Form

INFORMATION SECTION	
Blasting Contractor - Company Name: _____ Phone: _____ Email Address: _____ Contact Person: _____ Project Name: _____ Address: _____ *Latitude: _____ *Longitude: _____ Location and Distance (in feet) to Nearest Max Midstream Pipeline: _____ _____ Date of Blasting: _____	Contracted by - Company Name: _____ Address: _____ _____ Contact Person: _____

EXPLOSIVES SECTION	
Type of Explosives: _____	
Max. Charge / Hole (lbs): _____	
Charge Delay (ms): _____	
No. of Holes: _____	
Max. Depth of Charge (ft): _____	
Max. Diameter of Charge (in): _____	
Calculated Particle Velocity at a point -	
Depth of Blast Area (ft): _____	300 feet from blasting event _____ (in/sec):
Depth of Overburden (ft): _____ (in/sec):	200 feet from blasting event _____
Type of Rock to be Blasted: _____	100 feet from blasting event _____
(in/sec): Density of Rock (lbs/cu-ft): _____	Directly above pipeline (in/sec): _____ @ _____ ft. _____

ATTACHMENT CHECKLIST

- Drilling/Blasting Pattern Sketch - include all depths, measurements, and delay patterns relative to Max Midstream facility involved and each charge.
- State Approval Letter
- Blasting Contractor's Qualifications
- Blasting Contractor's Insurance
- Certificate Blasting Contractor's Safety Plan

OMMISSION OF ANY INFORMATION REQUESTED ABOVE WILL DELAY YOUR BLASTING PLAN REVIEW

Max Midstream requires a minimum of 14 days for technical review upon receipt of complete accurate blasting plans

Attachment 9: Excavation Safety Checklist

195 F-09, FORM A – EXCAVATION SAFETY CHECKLIST

The information noted on this form is intended to communicate general information about our pipeline(s) and is not intended to be solely relied upon by any party for the purpose of excavation or any similar purpose.

By law, to enable all participating utilities time to mark their facilities, the **One Call Center** in your state requires notification by calling 811 prior to any excavation. Max Midstream Texas, LLC. is a member of this One Call enterprise and will automatically be notified through this system. In addition, a Max Midstream inspector will perform and/or review with the excavator representative the applicable checklist items below.

Pipeline Locate Activity:

- If plans are available, requested a copy of the written project plans and drawings for review with the excavator and/or engineer. Had the excavator and/or engineer explain the extent of the work area, location and depth of the excavation, type of proposed utilities, location of proposed utilities, number of utility crossings, etc.
- Established the pipeline(s) location and marked the line(s) per state One Call requirements throughout the entire work area.
- Photographed all established pipeline markings throughout the work area.

Communication with the Excavator and/or Engineer:

- The excavator and/or engineer was advised that a Max Midstream inspector must:**
 - **Monitor the excavation site daily when work is performed within 25 feet of a Max Midstream pipeline.**
 - **Observe continuously all excavation and backfill activity performed within 10 feet of a Max Midstream pipeline or during the installation of any utility across a Max Midstream pipeline facility.**
 - **In addition, the excavator was instructed to call 281.909.4034 if they were ready to excavate within either above distance of a Max Midstream pipeline and a Max Midstream inspector was not present. When called a Max Midstream inspector will be sent to perform the inspection, which is free of charge.**
- The excavator was advised that only backhoes or trackhoes with a steel plate welded across the teeth of the bucket are permitted to be used during excavation work around a Max Midstream pipeline.
- The excavator was advised that the Max Midstream inspector is required by law to perform an external inspection of any Max Midstream pipeline exposed during excavation activity. The excavator understands that he/she is responsible to provide an OSHA compliant excavation, allowing the Max Midstream inspector safe ingress and egress to examine our exposed pipeline.
- Walked through the work area with the excavator and communicated the locations of all Max Midstream pipelines in the planned work area.
- Discussed the number of pipelines, pipe size(s), approximate pressures, approximate depths, excavation tolerance zones, hand digging requirements, and the hazards and characteristics of product(s) in the pipeline system(s) located in the planned work area.
- The excavator was advised to call the One Call Center 811 or contact Max Midstream, if the Max Midstream markings are destroyed or need to be refreshed in the planned work area. This service is provided free of charge.
- The excavator was advised that before any exposed Max Midstream pipeline can be backfilled, the Max Midstream inspector will direct the placement of an orange warning mesh over the pipeline.
- The excavator was advised that **any contact** with the pipeline, pipeline coating, test station wiring, or anode beds **must be reported to Max Midstream prior to backfilling the excavation** to permit further inspection of the damage to assure continued safe pipeline operations.
- The excavator was advised that failure to comply with the conditions outlined above would result in Max Midstream requiring the excavator to expose the pipeline again to allow an examination of the pipeline at the excavator's expense. If damage to the pipeline is discovered, Max Midstream may seek monetary compensation for all repair costs. Max Midstream may also report this activity to all concerned parties (State One Call Center, Regulatory agencies, Principal Contractor, Excavator's Insurance Company, etc.).

If you are unable to reach the representative designated below, or **in case of an emergency**, request assistance by calling **866.497.2284**

One Call Ticket:		Line Segments:	
Work Order:		Mile Posts:	
Nearest Street:			

Max Midstream Information		Property Owner / Excavator / Engineer	
Date:		Name:	
Name:		Phone:	
Cell Phone:		Signature:	