



**PUBLIC SERVICE BOARD MEETING
AGENDA ITEM
REGULAR MEETING**

Wednesday, October 10, 2018

SUBJECT

Amend Rules & Regulations No. 7

BACKGROUND

On September 11, 2017, El Paso County Commissioners Court adopted a Road Cut Fee policy that took effect on Oct 1, 2017 which charged a flat rate of \$500 per cut of all county roads. On July 30, 2018, Commissioners Court adopted a revised Road Cut Fee policy which took effect on October 1, 2018. The new policy is divided into two sections Road Inspection & Maintenance (RIM) and Road Entry & Access Permit (REAP) with various fees. El Paso Water was notified in writing on September 5, 2018.

STRATEGIC OBJECTIVES SUPPORTED

Strengthen Financial Viability

EVALUATION PROCESS

N/A

FINANCIAL IMPLICATIONS

The proposed amended Rules & Regulations will revise the water service connection charges for County Right-of-Ways and reflect El Paso County's revised Road Cut Fee policy.

PROPOSED ACTION REQUESTED

Consider and adopt a Resolution amending Public Service Board Rules and Regulations No. 7, Establishing Various Deposits and Charges for Furnishing of Water, Reclaimed Water, and/or Sewer Service, to revise the amount for road cuts in the County Right-of-Ways.

SUPPORTING DOCUMENTATION PROVIDED

- Revised Rules & Regulations No.7
- Letter From Norma Palacios, Interim Public Works Director to John Balliew, President/CEO

RULES AND REGULATIONS NO. 7

RULES AND REGULATIONS ESTABLISHING VARIOUS DEPOSITS AND CHARGES FOR FURNISHING OF WATER, RECLAIMED WATER, AND/OR SEWER SERVICE BY THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD

BY THE AUTHORITY GRANTED TO THE PUBLIC SERVICE BOARD BY VIRTUE OF ARTICLES 1111-1118M, REVISED CIVIL STATUTES OF TEXAS, AND ORDINANCE 752, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS ON MAY 22, 1952; AS AMENDED, NOW, THEREFORE BE IT RESOLVED BY THE PUBLIC SERVICE BOARD OF THE CITY OF EL PASO, THAT THE FOLLOWING DEPOSITS AND CHARGES FOR WATER, RECLAIMED WATER, AND/OR SEWER SERVICE ARE HEREBY ESTABLISHED AND SHALL SUPERSEDE ALL DEPOSITS AND CHARGES PREVIOUSLY SET: (KNOWN AS RULES AND REGULATIONS NO. 7).

THAT PUBLIC SERVICE BOARD RULES AND REGULATIONS NO.7, ESTABLISHING VARIOUS DEPOSITS AND CHARGES FOR THE FURNISHING OF WATER, RECLAIMED WATER, AND/OR SEWER SERVICE ARE HEREBY AMENDED BY ADOPTING NEW RULES AND REGULATIONS NO. 7 WHICH SUPERSEDE AND REPLACE THE EXISTING RULES AND REGULATIONS NO. 7 AND WHICH SHALL READ AS FOLLOWS:

SECTION I GENERAL

Notwithstanding anything in this Rule to the contrary, this Rule shall not be construed to affect voluntary annexation agreements made pursuant to Subchapter G, Texas Local Government Code.

A. TABLE OF CONTENTS

The headings or captions on the following page are adopted as the Table of Contents for Public Service Board Rules and Regulations No. 7.

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B. DEFINITIONS

As used in these rules and regulations the following terms shall have the following meanings:

Backflow (Back Siphonage):

The flow of water or other liquids, mixtures or substances into the distributing pipes of a potable supply of water from any sources other than its intended source. Back siphonage is the conditions where negative pressure in a potable water pipe induces backflow through a cross connection.

Boundary lines:

A water or sewer pipeline located in a dedicated public right of way which fronts on property held by different ownership on opposite sides of the right of way.

Charges:

As applied herein, the fees charged for services by the Utility not included in the monthly connection charge and commodity charge.

Construction Water:

Water supplied by the Utility through a temporary metered service.

Cross Connection:

Any connection or arrangement, physical or otherwise, between a potable water supply or device, through which it may be possible for non-potable, used, unclean, polluted or contaminated water or other substances, to enter into any part of such potable water system under any condition, including reduced or negative pressure.

CCN:

Certificate of Convenience and Necessity issued by the Texas Commission on Environmental Quality (TCEQ) to a Utility or water supply and/or sewer service corporation, as those terms are defined in the Texas Water Code, as to prerequisite to render retail water and/or sewer service directly to the public.

EPWU:

El Paso Water Utilities (Utility) the City of El Paso's publicly owned water and sewer agency located in and serving the people of El Paso County, Texas.

ETJ:

Extraterritorial Jurisdiction: For purposes of these Rules and Regulations No. 7, the ETJ is the area extending five miles outside of the corporate limits of the City of El Paso within to which the City has statutory authority for planning and platting.

Extension (Line Extension):

The water, reclaimed water, and/or sewer line which is required to be connected to the existing water/reclaimed water/sewer system to provide water/reclaimed water/sewer service to a property, including pipage installed in a right-of-way which is contiguous or noncontiguous to a property.

Extension Charge:

A non-refundable payment to the Utility for installing or having previously installed a water, reclaimed water or sewer main in a dedicated street or alley adjacent to the property to be served. It is the intent of these Rules and Regulations No. 7 that all property pay an extension charge for water/sewer/reclaimed water before obtaining service. Property fronting an existing reclaimed water line that was constructed under a Reclaimed Water Master Plan are exempted from payment of reclaimed water frontage fees.

Friction Loss:

The water pressure (or flow generating energy) lost by water flowing in a conduit (pipe) as the result of drag producing disturbances between the moving water molecules and the pipe walls.

Frontage:

The length of the boundary of a parcel of land, a lot, or a site which abuts a dedicated street.

Guarantee Deposit:

A one-time payment made at the time of application for service to be held without interest to guarantee payment of charges.

Outside City Customers:

All customers of the Utility whose property to be served is outside of the corporate limits of the City of El Paso.

Out of City Service Policies:

Policies governing extension of water and sewer service outside the corporate limits of the City of El Paso but within El Paso County, Texas: A written policy adopted by the Public Service Board by their Resolution on August 28, 1991.

Panhandle Lot:

A lot, because of inherent limitation, lacking frontage except for access provided by way of a narrow projection of the lot to the street.

Potable Water:

Water satisfactory for drinking, culinary and domestic purposes and meeting the regulatory requirements of applicable public health authorities as supplied through the EPWU water system.

PSB:

Public Service Board. The Board of Trustees created by Ordinance 752, which is the governing body of and has the complete management and control of the EPWU (Utility).

Reclaimed Water:

Wastewater which has been highly treated to a condition suitable for irrigation, industrial uses and for other non-potable use and which meets the regulatory requirements of the Texas Commission on Environmental Quality.

Reclaimed Water Master Plan:

A facilities plan developed by the El Paso Water Utilities that identifies properties to be economically served with reclaimed water.

Reclaimed Water Service:

A property is deemed to have reclaimed water service available if a qualifying reclaimed water main is in place in the public right-of-way adjacent and contiguous to the property. Reclaimed water service is subject to availability and an application for reclaimed water service may be denied based on lack of available reclaimed water and competing demand by existing customers.

Reclaimed Water Service Connection:

The pipes, fittings and appurtenances connected to the Utility's reclaimed water line and extending to or beyond the property line of a customer. The installation of all reclaimed water service connections will be performed by the Utility or at the direction of the Utility and all such connections shall be inspected and approved by qualified Utility personnel.

Reclaimed Water Service Connection Charge:

A non-refundable payment to the Utility for costs associated with installation of a service line, meter and appurtenances.

Refunds:

Monies to be paid by the Utility to a customer who has advanced payment for capital facilities in accordance with conditions stated in these Rules and Regulations No. 7.

Sewer Connection Charge:

A non-refundable payment to the Utility for costs associated with installation of a service line and appurtenances.

Sewer Service Connection:

The pipes, fittings and appurtenances connected to the Utility's sewer collector line and extending to or beyond the property line of a customer. This connection allows the customer's wastewater (sewage) to drain (or be pumped, if necessary) into the Utility's wastewater collection and treatment (sewer) system. The installation of all sewer service connections will be performed by the Utility or at the direction of the Utility and all such connections shall be inspected by qualified Utility personnel.

Sewer Service Tap:

The connection of a customer's service line to the public line. The installation of all sewer service taps will be performed by the Utility.

Standby Fire Charge:

A charge to be established by contract with the Utility for a service connection to a property for fire suppression purposes only, in accordance with the requirements of Rules and Regulations No. 5.

Subdivision:

"Subdivision" means the division of a lot, tract or parcel of land into two or more parts for the purpose of immediate or future sales, development, or dedication of a new public improvement or defined by El Paso City Code, or herein. Provided, however, that the following shall not be considered subdivisions:

- a. The division of land into parts greater than five acres, each part having access, where no public improvement is
- b. The acquisition of land by any means for public use; or
- c. The combination or recombination of portions of previously platted lots where right-of-way is unchanged, easements are unchanged, no lots are created without access and no panhandle lots are created; or
- d. Any division of property by will or intestacy providing that all parts of the property have access; or

- e. Any division of previously platted lots where right-of-way is unchanged, easements are unchanged, drainage patterns or quantities are unchanged, no lots are created without access and no panhandle lots are created.

TCEO:

Texas Commission on Environmental Quality

TXDOT:

Texas Department of Transportation

Water:

Water satisfactory for drinking, culinary and domestic purposes and meeting health regulatory requirements of applicable public health authorities as supplied through the EPWU water system.

Water Service:

A property is deemed to have water service available if a qualifying water main is in place in the public right-of-way adjacent and contiguous to the property.

Water Service Connection:

The pipes, fittings, valves, meters and appurtenances which are connected to the water main in the street and extending to, or beyond, the property line of a customer. The installation of all water service connections will be performed by the Utility or at the direction of the Utility and all such connections shall be inspected by qualified Utility personnel.

Water Service Connection Charge:

A non-refundable payment of the Utility for costs associated with installation of a service line, meter and appurtenances.

Yard Meter:

A meter that is used solely for irrigation purposes.

C. NEUTRAL GENDER

When the context requires, all nouns and pronouns in the masculine gender shall also include the feminine gender.

SECTION II WATER SERVICE DEPOSITS AND CHARGES

A. MONTHLY CHARGES AND COMMODITY CHARGES

Monthly Charges and Commodity Charges for water service shall be in accordance with Rules and Regulations No. 5.

B. WATER BILL GUARANTEE DEPOSIT

1. Amount of Deposit

A Guarantee Deposit shall be collected from all users of water lines and systems of the Utility as a condition of service at the time of the user's application for water service from the Utility as follows:

a.	Single family residence	\$75.00
b.	Duplex residence	150.00
c.	Triplex residence	225.00
d.	Commercial establishment	150.00
e.	Industrial	500.00

2. Conditions of Deposit

If the credit experience of a particular customer is unfavorable, the Utility management shall require a deposit in excess of the scheduled amount to be based on the total of the two highest monthly bills on record for the customer or as determined by Chief Finance Officer if customer has declared or is in bankruptcy. The bill guarantee deposit will be applied against the last bill or is transferable. At termination of service, any excess deposit will be refunded. Guarantee deposits shall not earn interest and no customer shall be entitled to interest on the deposit.

C. WATER SERVICE CONNECTION CHARGES

1. Description and Amount of Charges

The Water Service Connection Charge is a non-refundable payment to the Utility for tapping the street main, installing a service line from the street main to a location behind the curb (if the service is located on a paved street), or to some safe and suitable location (if not on a paved street) and installing a meter box and appropriate fittings. The service connection shall be limited to one-half the diameter of the street main when the main is supplied from only one direction, except that connections for fire line services may be the full size of the street main. No service connections shall be made to street mains having a nominal diameter greater than 12 inches. The water service connection charge shall be as follows:

Meter Size	Domestic Meter	*Domestic Smart Meter	Yard Meter
3/4"	\$3,300	\$3,410	\$3,650
1"	\$3,450	\$3,560	\$3,750
1-1/2"	\$5,600	\$5,710	\$5,350
2"	\$7,100	\$7,210	\$6,850
3"	\$11,900	\$12,010	\$10,450
4"	\$12,000	\$12,110	\$10,450
6"	\$12,500	\$12,610	\$10,750
8"	\$13,800	\$13,910	\$11,750

Water services 1-1/2" and larger requires a bypass; cost for the bypass is included in the water connection charge noted in the above table.

*Smart Meters for New Master Planned Developed Areas

Due to PSB policy change, all new customers in the new master planned developed areas will transition to a fixed network meter infrastructure. As such, new customers will require the installation of smart meters in the new master planned areas. The new smart meters will carry an additional cost of \$110 for 3/4" meters.

Fireline Services	
Meter Size	Connection Fee
2 1/2"	\$5,500
*3"	\$5,750
4"	\$5,950
6"	\$6,700
8"	\$7,200
10"	\$8,050

*These services are installed with 4" diameter pipe. Customer may install reducer. Vaults are not required for fire line services, except for DCDA's if approved by the Cross Connection Control Manager. Fireline services shall have a meter installed by the customer on the bypass.

Stand Pipe Services	
Meter Size	Connection Fee
1-1/2"	\$4,950
2"	\$6,400
3"	\$8,500
4"	\$8,400
6"	\$9,200
8"	\$10,350

Minimum air gap separation equal to twice the diameter of the pipe with a 1" minimum is required for all stand pipe services.

Water service installations that required horizontal boring across a street right-of-way will be required to pay boring fees in addition to the water service connection charge.

Boring Fees	
Meter Size	Boring Fee
3/4"	\$3,400
1"	\$3,400
1-1/2"	\$3,400
2"	\$3,400
3"	\$5,050
4"	\$5,050
6"	\$6,750
8"	\$12,950
10"	\$13,450

Water service connection charges for properties located outside of the corporate limits of the City of El Paso will carry an additional cost of ~~\$500 per water service connection~~ to cover the El Paso County Road Cut Fees as follows:-

A. Road Inspection & Maintenance Fees (RIM) - All road cuts in County Rights-of-Way (ROW):

- 1. Unpaved ROW \$100
- 2. Pot Hole (Each) \$150
- 3. Paved ROW (75ft² or Less) \$250
- 4. Paved ROW (Over 75ft²) \$400

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B. Road Entry & Access Permit Fees (REAP) - Road cuts that disturb more than 300 square feet:

1. Unpaved ROW (Per yd ²)	\$1.93
2. Asphaltic Pavement Cost (Per yd ²)	
a. Residential & Collector Streets	
i. 100 yd ² or less	\$6.50
ii. Over 100 yd ²	\$5.20
b. Arterial & Other Streets	
i. 100 yd ² or less	\$7.65
ii. Over 100 yd ²	\$6.12
3. Concrete Pavement Cost (Per yd ²)	
a. Concrete Road Pavement	
i. 100 yd ² or less	\$11.51
ii. Over 100 yd ²	\$9.21
b. Concrete Driveways & Sidewalks	\$5.68

2. **Limits of Water Service Connection**

Payment of the WATER SERVICE CONNECTION CHARGE and other applicable charges provided herein entitles the applicant to service at the meter. The extension into the property to be served shall be entirely at the customer's expense for construction and maintenance.

3. **Requirements for Customer Service Extension**

The separation between a water service line and a sanitary sewer service line from the property line to the water or sanitary sewer mains shall be 5 feet of undisturbed or compacted earth or as outlined in the City of El Paso's Plumbing Code. Customer service extension (by the applicant) of lines for water service from the property line to the building or project of use shall conform to the City of El Paso Plumbing Code and City Health Department requirements. Water Service lines are not allowed to be constructed parallel to the public right of way or easement; only perpendicular extensions to the public

right of way or easement of water services are allowed. Extension shall be made only on the property on which the service application has been made and the appropriate charges paid. No water and/or sanitary sewer service shall extend through property owned or intended to be sold and consequently owned by different individuals or entities prior to connecting to an EPWU water and/or sanitary sewer main; unless previously discussed and approved by the EPWU. Fees Associated With Cross-Connection Control Program

4. **EPWU Inspection Fee:** An inspection fee of \$100 shall be charged to the customer for the initial acceptance test performed by the Utility on containment cross-connection control assemblies. Inspections by the Utility shall normally be scheduled between the hours of 8 a.m. and 4 p.m. Monday through Friday, excluding holidays.

D. **STANDBY FIRE PROTECTION SERVICE**

Private Fire Lines and Hydrants:

Fire hydrants needed to provide standby fire protection for new development or redevelopment directed by the Fire Marshall shall be paid by the applicant. Standby Fire Protection Service shall be available to property within the corporate limits when the following conditions have been satisfied: (1) all other water service charges and deposits required have been paid for the property; (2) the fire protection system is completely separated from the system providing domestic or other water to the property; (3) the total cost of the connection to the Utility's main, including valves, lines, detector checks, boxes and paving repair has been paid; (4) the customer has executed a contract agreeing to pay a monthly standby fire service charge; pursuant to Rules and Regulations No. 5. Section II: and (5) no extension of a main is required to provide service

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other than that required for domestic service.

Standby fire service will be disconnected by the Utility when the detector check indicates a consistent use of water in the standby fire system.

Public Fire Hydrants:

Fire hydrants needed to provide standby fire protection for new development or redevelopment directed by the Fire Marshall shall be paid by the applicant. Fire hydrants needed to provide standby fire protection to existing development found to be inadequately protected based on studies by the Fire Marshall's Office and not due to new development or redevelopment shall be paid by the EPWU.

E. CONSTRUCTION WATER SERVICE

1. Construction Water Service

Construction Water Service may be furnished by the Utility through a metered temporary water service to fill water tank wagons or other construction vehicles such as street sweepers, where, in the opinion of the Utility, it is not practical at the time of installation to furnish permanent services and where, in the opinion of the Utility, an appropriate location for a standpipe and an adequate water supply exist. A positive air-gap or other approved backflow prevention device shall be maintained at all times of operation. The customer will pay the estimated cost of installation and removal of the facility in advance and will pay for the water used in accordance with Rules and Regulations No. 5, Section 1-K, plus all costs of any necessary repairs or maintenance of the facility. The connection may be removed by the Utility at the end of 90 days or at any time the facility is operated in such a fashion as to become, in the opinion of the Utility, a nuisance or when the construction is complete. The Utility may limit or prohibit the use of water by a construction service when necessary to maintain adequate pressure in the system or as may be required due to a water emergency declared under the mandatory Water Conservation Ordinance.

2. Fire Hydrant Meters

Effective May 1, 2000:

- a. Customers will be charged for construction water drawn through fire hydrant meters, and must agree to pay for the water used in accordance with Rules and Regulations No. 5, Section 1-K.
- b. Fire hydrant meters, which have a locking device and built-in backflow prevention, will be installed and removed by Utility personnel.
- c. The fire hydrant meter deposit is \$2,000. There will be one deposit and set-up/take-down fee per meter. Only one fire hydrant meter will be allowed within a 2,000-foot radius. Deposits and fees may not be transferred from one project to another.
- d. The fire hydrant meter set-up/take down fee is \$125.
- e. A water loss fee of \$500 will be charged to the Customer for each occurrence where unmetered water is taken from a fire hydrant, where the Customer tampers with the meter or fire hydrant valve, or where the fire hydrant meter is removed by other than Utility personnel.
- f. Water used to fill, pressure test, and disinfect water main lines will be billed in accordance with Rules and Regulations No. 5, Section 1-K. The amount to be billed will be calculated at one-and-a-half times the volume of the installed pipe.
- g. Readings will be taken monthly from the fire hydrant meter. Consumption will be billed monthly.
- h. All other unbilled water and charges will be deducted from the deposited amount. Charges in excess of the deposit must be paid before the project will be accepted into the Utility system. Excess deposits will be promptly refunded to the Customer.
- i. The Utility's Engineering Developer Services Section will promulgate the forms and procedures necessary to implement these charges, rates, rules and regulations.

F. LINE EXTENSION CHARGES

I. Assessment of Line Extension Charges

The Utility shall assess Line Extension Charges for service to properties not previously served by the Utility. All such customers shall pay a non-refundable payment to the Utility for when connecting to a water line that is no more than 20 years old. The age of the water line will be based on the date of final acceptance by the Utility of said water line located in a dedicated street or alley adjacent to the property to be served. The EXTENSION CHARGE shall be determined by applying the appropriate Subparagraphs 2, 3, or 4 of this Section 11-F. The Utility shall determine which of these Subparagraphs shall be applicable to the property to be served. It is the intent of this policy is that all previously unserved properties shall pay a line extension charge before obtaining service.

2. Line Extension Charges for Connection to Existing Line

The LINE EXTENSION CHARGES for property obtaining water service from existing lines when the property obtaining such service did not participate in the cost of the construction of the lines shall be based on the "Frontage" of the property multiplied by the frontage rate per foot of \$22.90 for water service. This charge shall not apply to property on which a frontage or extension charge has been paid previously. The FRONTAGE to be used in determining the LINE EXTENSION CHARGE shall be the distance across the property, measured along a line parallel to and 75 feet away from the center line of the street which abuts the property with the following exceptions:

- a. In no case shall the FRONT AGE for each water meter be less than 30 feet.
- b. If the property is occupied or is to be occupied by a single family or duplex residence and abuts on two or more streets, the FRONTAGE is to be measured as though the property abutted only on that street which produces the smallest FRONT AGE.
- c. If any property is occupied by something other than a single family or duplex residence that abuts on two or more streets, the FRONTAGE is to be measured along the street from which service is taken.
- d. The FRONTAGE to be used for a single family residence situated on a tract of land of one-half acre or more in area may be reduced to a minimum of 125 feet; if the FRONTAGE of the property measured along the street from which service is taken is smaller than 125 ft., the FRONTAGE shall be the smaller FRONTAGE.
- e. When, in the opinion of the Utility, none of the above methods yields an equitable and appropriate charge within the intent of this policy, the FRONTAGE may be determined by other equitable methods to arrive at a charge that is proportionate to the size of the property in relationship to the charge to other similar property.

3. Line Extension Charges for Small Tracts

- a. The water LINE EXTENSION CHARGE for lots within subdivisions when such lots are individually owned shall be the same as described in Section II-F(2), provided one of the following two conditions are met:

- (1) The extension charge has been paid on at least one-half of the property that is adjacent to the required extension or which could conceivably be considered to obtain service from said extension; or

- (2) The Line extension necessary to reach the property is less than 150 feet. If several individual properties adjacent to the line extension are participating in a line extension, one-half of the properties obtaining service or which could conceivably be considered to obtain service from said extension shall pay the LINE EXTENSION CHARGE based on Section IIF (2) to the El Paso Water Utilities prior to making any expenditures of EPWU funds or making any connection to the system. A customer or customers desiring water service must pay the cost of the lines required to reach their property in accordance with Section II-F(3), and be eligible for refunds, when more than one-half the adjacent properties have not paid the Line Extension Charge
- b. When water service is desired to an individual tract of land of 20 acres or less in size and the owner of this tract does not at the time of application for service own any other land immediately adjacent to the property to be served and when a line larger than 8- inches is required, the owner may pay the LINE EXTENSION CHARGE based on the Frontage provided for in Section II-F(2) on all of the property instead of paying the total cost of the extensions required within or adjacent to his subdivision, as provided for in Section II-F(4) below. When the property to be served is not adjacent to an existing line from which service lines can be extended the customer shall pay the total cost of the "off-site" or "approach" main required to reach the property to be served and will be eligible for refunds in accordance with Rules and Regulations No.7, Section 11- G.

4. Line Extension Charges for Other Areas

- a. The LINE EXTENSION CHARGE for water service to new subdivisions and all other areas not included in Sub-Paragraphs Section II-F(2) or Section II-F(3) of this Section shall be the total cost of the lines, appurtenances and permits required to serve the property as determined by the Utility. This cost shall include furnishing and installing, complete and in-place in accordance with the Utility's plans and specifications, all lines, valves, manholes, paving repair and other required appurtenances, except that the Utility will participate in the cost of lines larger than 8- inches in size. If the required pipe size to service the proposed development is larger than 8- inches, the Utility will participate in the cost of the pipe as provided for in SECTION II-G(3). Lines in all dedicated streets that are adjacent to the property, including boundary streets, shall be included as part of the cost and off-site facilities or "approach" mains that are necessary to provide service shall also be included as part of the cost. The customer or developer may also be required to pay to construct reservoirs, pumping stations and other facilities that are required to adequately serve the area. Payment and refunds for such facilities will be as provided for in Section 11-G. No street shall be approved to be paved until lines required in that street have been installed by the adjacent owner who desires the paving. The customer or be eligible for a refund in accordance with Section 11-G for lines that are installed where there is other property adjacent to the line that can be expected to take service directly or indirectly from that line.
- b. In addition to the cost of the lines as required by the El Paso Water Utilities' plans and specifications for construction to provide service to the customer's or developers' property, the customer or developer shall also be obligated to pay his or her proportionate part of the cost of any lines that were constructed by others which are adjacent to the boundaries of his properties. The charge shall be based on one-half the current FRONTAGE rate fee. The cost shall be determined by multiplying one-half the FRONTAGE rate fee by the length of pipe adjacent to the boundaries of the property to be served.

- c. The water mains within and adjacent to the area to be served or other extensions required to provide service will be constructed by El Paso Water Utilities or by its contractor on the basis of competitive bids unless the customer or developer chooses to satisfy the Extension Charge by constructing the facilities in accordance with Section 11-1.
- d. The Utility will prepare a preliminary cost estimate. A minimum of 4.0% of this estimate may be required for deposit by the applicant or developer prior to the preparation of the plans. Final construction plans and specifications will then be prepared. The customer or developer shall pay to the Utility the total amount of the work for his subdivision, less the 4.0% deposit prior to the beginning of construction. The Utility will then provide the field services specified in Section 11-K(3), of these Rules and Regulations No. 7.
- e. Payment of all of the charges provided for herein shall be made prior to making any expenditures of Utility funds or making any connection to the system.

5. Time Payment of Charges

The Extension Charge required for individually-owned single family residential property, that are adjacent to an existing line from which service can be provided, may be paid in monthly installments over a period of time not to exceed twenty-four (24) months under a Promissory Note granted by the Utility at a simple interest rate of 6% per annum, on a 360 day basis. The note will be filed as a lien against the property. The interest rate may be adjusted at the discretion of the Utility subsequent to the effective date of these rules and amended interest and filing charges, shall be declared immediately due and an amended lien may be filed against the property for these additional amounts should the maker of the Note fail to pay this full amount after Notice of Default. The Utility may use any other means available to it under the law to collect the delinquent charge(s) or other costs incurred as a result of the default including reasonable attorneys' fees which shall be 10% of all amounts due. A processing charge of \$60.00 per contract shall be added for handling payment in the manner prescribed herein, which amount shall include the cost of filing a Time Payment Contract and the subsequent lien release in the County Clerk's office. The handling fee may not be financed as part of the Promissory Note but, rather, will be paid at the time application thereof is made.

Any one person or applicant shall be entitled to only one such Time Payment Contract for water and the property so served shall have a maximum total area of one acre or less.

Monthly payments will begin upon initiation of service. Monthly payments under this arrangement shall be made simultaneously with the payment of the water bill and payment of the water usage charge shall not be accepted unless the Note payment is also made. Failure to pay the monthly payment to the Promissory Note shall result in the discontinuance of the water service in the same manner and at the same time as failure to pay the water usage charge.

G. REFUNDS

The customer or developer shall be entitled to a refund if: (1) he/she is required to construct or pay to construct boundary lines along the perimeter of the area to be served when such lines are adjacent to other property that can be expected to obtain service directly or indirectly from the lines; or (2) is required to construct or pay to construct lines that are outside the area (off-site) where he/she desires service when the property on either side of the line is owned by others and when such property may be expected to obtain service directly or indirectly from said line; or (3) is required to construct or pay to construct water lines larger than 8-inches in size. Contracts providing for refunds must be executed with the Utility by the person or persons due the refund prior to the construction of the facilities and no refund shall be made unless such contract has been duly executed. Funds to make refunds for facilities included in (1) and (2) above shall be obtained from property owners who receive service directly or indirectly from the lines eligible for refunds and the Utility shall not be obligated to make any refunds until it has received payment from those properties which benefit by the lines. Its obligation to make such refunds shall never exceed the amount which it receives from the owners adjacent to the extensions. Such refund contracts shall provide for the Utility to make refunds no more frequently than once each year for a period of no more than 20 years from the date of the final acceptance

of the lines by the Utility. The amount to be refunded to the customer or developer shall be determined as provided for in Rules and Regulations No. 7, Section 11-G, 1, 2, and 3 below, unless the developer or customer chooses to establish the amount of refund by competitive bids in which case the Water Utility will receive bids in a normal manner required by law and will establish the amount to be refunded on the basis of the low bid received. Refunds shall be calculated as follows:

1. Refunds for Boundary Lines
The refunds for boundary lines shall be the length of the pipe installed adjacent to the property to be served times the current FRONTAGE rate fee.
2. Refunds for Off-Site Water Lines
Off-site water lines constructed outside of the limits of the area to be served, but necessary to provide service, shall be eligible for a refund. The refund shall be calculated by multiplying the current FRONTAGE rate fee by the length of the pipe installed. One-half of the cost of such lines shall be assessed against the property on each side of the line if such property obtains service directly or indirectly from said line.
3. Refunds on Lines Larger Than 8 inches in Diameter
The refunds on lines that are larger than 8-inches in size shall be based on the difference in the price of an 8-line and the actual cost of the line installed. The price of the 8-inch line shall be the length of the pipe installed times the current FRONTAGE rate fee. Refunds will be paid by the Utility upon completion of facilities constructed by the customer and acceptance by the Utility.

H. SPECIAL DEPOSITS FOR OFF-SITE EXPANSION FACILITIES

1. Deposit Amounts

The customer or developer shall be responsible for paying the total cost of design and construction of any water facilities that are not within his/her area of service if such facilities are required to provide adequate service to his/her property. Improvements of this type are referred to as "off-site" and include facilities such as reservoirs, pump stations, treatment plants and lines which are outside of the limits of the property to be served, but which must be extended from an existing main or constructed offsite to provide service to the property. Facilities of this type shall be constructed with capacity deemed necessary by the Utility to support future development. The total cost of these facilities shall be paid by the customer or developer first desiring the service that requires the facilities if the funds have not been appropriated in the current or previous years' budgets for the specific facilities that are required for service to the property. In addition, the requested area must be contiguous to existing development and water infrastructure.

2. Refund Amounts

A refund amount shall be established by the Utility such that the customer or developer will have paid costs of infrastructure improvements roughly proportionate to the proposed development in accordance with Texas Local Government Code Section 212.904. A refund contract will be executed with the customer or developer which will provide for the refund of a portion or all of the costs reflected in the up-front infrastructure improvements deposit. The original customer or developer will then be paid in accordance with the refund contract as additional customers are served by the facility.

No interest will be paid on SPECIAL DEPOSITS and the period in which the customer or developer is eligible for refunds shall be 20 years from the date of the contract. In no instance shall the Utility refund more than the original cost of the facilities constructed and paid for by the owner or developer. Refunds will be made once each year when they are earned.

Refunds on SPECIAL DEPOSITS for "off-site" mains will be made when the property that is adjacent to the approach main pays its portion of the cost of the facility and the Utility shall never be obligated to refund more money than it receives from the property adjacent to the

approach main. Refunds for such lines shall be in accordance with Rules and Regulations No. 7, Section 11-G.

I. CONSTRUCTION BY CUSTOMER

1. Conditions of Construction by Customer

To satisfy the provisions of Rules and Regulations No. 7, Section 1-F a customer or developer may construct or contract with others to construct water mains required to serve his subdivision or area in accordance with the plans and specifications of the Utility, provided all of the following conditions are fully satisfied.

- a. The Developer shall post an acceptable Performance Bond with the Utility in accordance with Article 5160, Revised Statutes, to ensure completion of the project on all such projects where the Utility's contribution exceeds \$100,000 or the amount, under Article 5160 as it may be amended, above which performance bonds are required on such municipal contracts.
- b. The total cost of constructing all lines and appurtenances within and adjacent to the subdivision or area to be served is paid by the customer or developer without requesting Utility participation or refunds. This cost does not include fire hydrants and service connections.
- c. Utility participation in oversize lines is requested and the water lines in the entire subdivision shall be bid under the Utilities' participation in lines larger than 8-inches in accordance with Section II-G(3) and reimbursement for boundary or off-site facilities as provided for in Section II-G(2) and (3) and Section 11-H.
- d. The developer executes an agreement with the Utility which states the actual cost by item of the work being done, who will perform the work and that the firm doing the work is an independent contractor and will hold the City of El Paso and the Utility harmless from any and all damages or claims which may arise from the performance of the work and will purchase adequate insurance to cover this indemnity. Proof of insurance coverage to fully protect the Utility shall be furnished by the developer or his agent in amounts required on similar Utility contracts.
- e. The Developer and/or the Developer's Surety on the Performance Bond accept the responsibility for the repair and maintenance of the facilities which are installed under a Developer Agreement for a period of 365 days after acceptance by the Utility.

2. Acceptance by the Utility

Upon completion, the developer shall provide the Utility with a letter stating that the mains have been completed and all bills paid and requesting the Utility to assume ownership in lieu of or in partial payment of the LINE EXTENSION CHARGES on the subdivision. No services will be connected until said letter has been provided.

Upon completion of the work in accordance with the plans and specifications and the above conditions, the Utility, through its Chief Engineer, shall provide a letter of acceptance to the developer.

J. CONSTRUCTION IN EASEMENTS

It is the Utilities intent to construct water mains in public right of ways. Water mains will not be constructed in easements except when the Utility specifically requests or authorizes such construction. Utility easements shall be of sufficient width, accessible and of proper topography to permit construction and maintenance. The Utility shall not be required to accept easements for service which do not meet the above mentioned requirements. No building or permanent structure shall be constructed with the exception of paving or landscaping and other similar facilities determined by the Utility to be acceptable in the utility easement.

When service is desired for more than six water meters to one tract of land not separated by public streets or public alleys and when the actual buildings to be served are more than 100 feet from a public street or alley, service may be obtained at a closer location to the buildings on the customer's property, provided the customer furnishes the Utility a valid easement for the lines necessary to provide service at the desired location, agrees to hold the Utility, its Public Service Board and the City of El Paso harmless from damages which may be caused by the existence of lines in said easement and further provided the customer pays the total cost of the lines required in said easement plus the normal extension charges for lines constructed or to be constructed in the streets adjacent to the property.

Where the Utility determines that the location or design of the development creates more danger of damage to the lines or facilities than the usual development of this type, the customer shall only be served if he/she agrees to hold the Utility, its PSB and the City of El Paso harmless from any such damages which may occur.

K. ENGINEERING

1. Developer/Customer Engineered Water and Sanitary Sewer Plans

The developer/customer's engineer prepares water and sanitary sewer plans meeting TCEQ and EPWU requirements and submitting those plans to EPWU for approval. Water main extensions shall be designed from the point of connection to an existing EPWU owned water main to the farthest property line from the point of connection so that the proposed main extends along the entire frontage of the property to be served. The water main shall be sized (minimum 8-inch diameter) with sufficient capacity that will enable future service to properties located upstream/downstream of the property to be served. Water mains shall be designed and constructed with the intent of avoiding the creation of "dead end" mains by "looping" the water system. Developers/customers shall submit one complete set of subdivision improvement plans, including boundaries, grading plans, street profiles and topography which have been approved by the City of El Paso and/or El Paso County. The Developer shall submit a hard copy and/or electronic media compatible with the Utility's CADD system. The Utility will use these as a basis for the design of other extensions and other facility installations.

This option to the developer/customer shall not apply if any offsite extension or capital improvement infrastructure, master plan land studies, or any on-site oversized facilities to serve any areas adjacent to the subdivision are required. El Paso Water Utilities will provide review of design drawings prepared by consulting engineers on behalf of developers/customers. A charge of 2.0 percent of the estimated construction costs will be made to the applicant and/or developer for these services. The full payment of this charge shall be due upon completion of the review by El Paso Water Utilities.

2. Field Surveys and Inspections

Field engineering services by the Utility shall consist of staking out the water and sewer mains and appurtenances only and inspection of construction to assure compliance with Utility standards.

3. Conditions for Construction

The developer shall have the streets graded to within 6 inches of subgrade with curbs installed before water and sewer main construction begins. If, by prior agreement, no curbs are installed, then the developer must have an adequate number of street centerline or off-set stakes or markers placed so that field stakeout for the water and sewer mains can be conveniently made.

The developer agrees to respond timely to and to bear the cost of correcting any subsequent problem which may arise due to delayed installation of curbs and gutters or changes in grade. This shall apply to the developer whether or not lots are subsequently sold to other parties.

L. BACKFLOWPREVENTION ASSEMBLY VIOLATIONS

1. Willful removal or bypassing of any backflow prevention assembly or dual check valve; falsification of test reports (or knowing submittal of falsified test reports or allowing falsified test reports to be submitted by others); obtaining water from a fire hydrant in violation of cross-connection control

requirements; allowing uncontrolled cross-connections to exist; connection of a fire protection system to a normal water service; or failure to cooperate in the installation, maintenance, testing or inspection of backflow prevention assemblies as required by the Utility's Cross-Connection Control Program and these rules and regulations, shall be grounds for discontinuance of water service to the customer's premises. The Utility may require the installation of an air-gap separation from the public water supply as a condition precedent to reconnection/reinstatement of water service. Water service shall not be restored until such conditions are corrected to the satisfaction of the Utility.

2. Discontinuance of water service may be summary, immediate, and without written notice whenever, in the judgment of the Utility, such action is necessary to protect the purity of the public water supply or the safety of the public.

M. PREMISES WITH PRIVATE WELLS

Customers with premises having private wells who wish to connect to the public water supply shall have the following two options:

1. Agree to permanently abandon use of the private wells by plugging the well, **prior to connecting to the public water supply**, in accordance with Utility procedures and TCEQ requirements;
2. Agree to completely and permanently sever the private well from the premises water supply system in accordance with Utility procedures, **prior to connecting to the public water supply and** Customer shall install an approved backflow prevention assembly at the water service connection.

N. FIRE HYDRANT TESTING

In the event that El Paso Water Utilities is requested to test a fire hydrant, for the design of fire suppression systems or other reasons, in accordance to AWWA standards, the charge shall be as set forth. Effective March 1, 2009, that rate shall be \$1,500.

SECTION III SEWER SERVICE DEPOSITS AND CHARGES

A. MONTHLY CHARGES

Monthly Charges for sewer service shall be in accordance with Rules and Regulations No. 6.

B. BILL GUARANTEE DEPOSIT

1. Amount of Deposit

A Guarantee Deposit shall be collected as a condition of service at the time of application for sewer service from the Utility. The deposit is as follows:

a. Single family residence	\$75.00
b. Duplex residence	150.00
c. Triplex residence	225.00
d. Commercial establishment	150.00
e. Industrial	500.00

2. Conditions of Deposit

If the credit experience of a particular customer is unfavorable, the EPWU management may require a deposit in excess of the scheduled amount to be based on the total of the two highest monthly bills on record for the customer. The bill guarantee deposit will be applied against the last bill or is transferable. At termination of service, any excess deposit will be refunded. Guarantee deposits do not earn interest. No customer shall be entitled to interest on the deposit.

C. SEWER SERVICE CONNECTION CHARGE

1. General Description

The customer shall extend or cause to be extended the customer's service line and connect it to the outlet in the public line when one has been provided. When no connecting outlet was provided in the public line, the Utility will connect the customer's service line to the public

line. In either case, the customer shall excavate and uncover the public line, backfill and compact the trench and repave the surface. No charge will be made by the Utility for this connection when the customer has provided the service line. The separation between a water service line and a sanitary sewer service line from the property line to the water or sanitary sewer mains shall be 5 feet of undisturbed or compacted earth or as outlined in the City of El Paso's Plumbing Code. Sewer service lines are not allowed to be constructed parallel to the public right of way or easement; only perpendicular extensions to the public right of way or easement of sewer services are allowed. No connection shall be made to a sewer interceptor line of a diameter 18 inches or greater. No water and/or sanitary sewer service shall extend through property owned or intended to be sold and consequently owned by different individuals or entities prior to connecting to an EPWU water and/or sanitary sewer main; unless previously discussed and approved by the EPWU.

2. Amount of Sewer Connection Charge

When the Utility has provided a sewer service line from the sewer main to the pavement edge, a SEWER SERVICE CONNECTION CHARGE will be made. This charge is a non-refundable payment to the Utility for tapping the main, installing the service line from the main to a location behind the curb or edge of pavement and repaving the street. The SEWER SERVICE CONNECTION CHARGE shall be \$890.00. The charge for furnishing and installation of sewer manholes shall be based on actual charges per each manhole furnished and installed. The cost to connect a sewer service to an existing manhole shall be \$1,500.00. The sewer service line will be installed in accordance with applicable City Plumbing Codes and located at the center of the lot unless otherwise requested by the customer. The Utility warrants and guarantees the sewer service line for a period of one year from the time of installation. The customer is responsible for maintaining such line in good and safe condition.

D. LINE EXTENSION CHARGES

1. Time Payment of Charges

The Extension Charge required for individually-owned single family residential property, or other properties that are adjacent to an existing line from which service can be provided, may be paid in monthly installments over a period of time not to exceed twenty-four (24) months under a Promissory Note granted by the Utility at a simple interest rate of 6% per annum, on a 360 day basis. The Note will be filed as a lien against the property. The interest rate may be adjusted at the discretion of the Utility subsequent to the effective date of these rules and regulations to reflect an interest rate appropriate to the economic climate prevalent at the time an application for such Promissory Note is made. Interest on such Note shall not exceed the maximum amount of nonusurious interest provided by law. Provided, however, the water service must be activated within six months of the date of contract and the water service must be used continuously until full payment is made to the Utility. Should default occur on the promissory note, the full cost of the extension charge, plus accrued interest and filing charges, shall be declared immediately due and an amended lien may be filed against the property for these additional amounts should the maker of the Note fail to pay this full amount after Notice of Default. The Utility may use any other means available to it under the law to collect the delinquent charge(s) or other costs incurred as a result of the default including reasonable attorneys' fees which shall be 10% of all amounts due. A processing charge of \$60.00 per contract shall be added for handling payment in the manner prescribed herein, which amount shall include the cost of filing a Time Payment Contract and the subsequent lien release in the County Clerk's office. The handling fee may not be financed as part of the Promissory Note but, rather, will be paid at the time application thereof is made.

Any one person or applicant shall be entitled to only one such Time Payment Contract for sewer and the property so served shall have a maximum total area of one acre or less.

Monthly payments will begin upon initiation of service. Monthly payments under this arrangement shall be made simultaneously with the payment of the water bill and payment of the water usage charge shall not be accepted unless the Note payment is also made. Failure to pay the monthly payment to the Promissory Note shall result in the discontinuance of the sewer service in the same manner and at the same time as failure to pay the water usage charge.

The customer shall pay a Line Extension Charge for sewer service to properties not previously served by the Utility. All such customers shall pay a non-refundable payment to the Utility when connecting to a sewer line that is no more than 20 years old. The age of the sewer line will be based on the date of final acceptance by the Utility of said sewer line located in a dedicated street or alley adjacent to the property to be served. The LINE EXTENSION CHARGE shall be determined by applying the appropriate subparagraphs 2, 3 or 4 of this Section. The Utility shall determine which of these subparagraphs shall be applicable to the property to be served.

2. Line Extension Charges to Connect to Existing Lines

The Line Extension Charges for property obtaining sewer service from existing lines when the property requesting service did not participate in the cost of the construction of the lines shall be based on the "Frontage" of the property multiplied by the frontage rate per foot of \$17.83 for sewer service. This charge shall not apply to property on which a frontage or extension charge has been paid previously.

The FRONTAGE to be used in determining the LINE EXTENSION CHARGE shall be the distance across the property, measured along a line parallel to and 75 feet away from the center line of the street which abuts the property with the following exceptions:

- a. In no case shall the FRONTAGE for each sewer connection be less than 30 feet.
- b. If the property is occupied or is to be occupied by a single family or duplex residence and abuts on two or more streets, the FRONTAGE is to be measured as though the property abutted only on that street which produces the smallest FRONTAGE.
- c. If the property is occupied by something other than a single family or duplex residence and abuts on two or more streets, the FRONTAGE is to be measured along the street from which service is taken.
- d. The FRONTAGE to be used for a single family residence situated on a tract of land of one-half acre or more in area may be reduced to 125 feet; if the FRONTAGE of the property measured along the street from which service is taken is smaller than 125 ft., the FRONTAGE shall be the smaller FRONTAGE.
- e. When, in the opinion of the Utility, none of the above methods yields an equitable and appropriate charge within the intent of this policy, the FRONTAGE may be determined by other equitable methods to arrive at a charge that is proportionate to the size of the property in relationship to the charge to other similar property.

3. Line Extension Charges for Small Tracts

- a. The sewer LINE EXTENSION CHARGE for lots within subdivisions when such lots are individually owned shall be the same as described in Section 111-0(2), provided one of the following two conditions are met:
 - (1) The extension charge has been paid on at least one-half of the property that is adjacent to the required extension or which could conceivably be considered to obtain service from said extension; or
 - (2) The line extension necessary to reach the property is less than 150 feet. If several individual properties adjacent to the line extension are participating in a line extension, one-half of the properties obtaining service or which could conceivably be considered to obtain service from said extension shall pay the LINE EXTENSION CHARGE based on Section 111-0(2) to the EPWU prior to making any expenditures of EPWU funds or making any connection to the system. A customer or customers desiring sanitary sewer service must pay the cost of the lines required to reach their property in accordance with Section 111-0(3), and be eligible for refunds, when more than one-half the adjacent properties have not paid the Line Extension Charge.

- b. When sewer service is desired to an individual tract of land of 20 acres or less in size and the owner of said tract does not at the time of application for service own any other land immediately adjacent to the property to be served and when a line larger than 8-inches is required, the owner may pay the LINE EXTENSION CHARGE based on the FRONTAGE rate provided for in Section 111-0(3) on all of the property in lieu of paying the total cost of the extensions required. When the property to be served is not adjacent to an existing line from which service lines can be extended the customer shall pay the total cost of the off-site or "approach" main required to reach the property to be served and be eligible for refunds in accordance with Section 111-E.

4. Line Extension Charges for Other Areas

- a. The LINE EXTENSION CHARGE for sewer service to new subdivisions and all other areas not included in Sub-Paragraphs 1 or 2 of this Section shall be the total cost of the lines and appurtenances required to serve the property as determined by the Utility. This cost shall include furnishing and installing complete, in-place, in accordance with the Utility's plans and specifications, all lines, manholes, paving repair and other required appurtenances except that the Utility will participate in the cost of lines larger than 8-inches in size. If the required pipe size to service the proposed development is larger than 8-inches, the EPWU will participate in the cost of the pipe as provided for in SECTION 111-E herein. Lines in all dedicated streets that are adjacent to the property, including boundary streets, shall be included as part of the cost and off-site or "approach" mains that are necessary to provide service shall also be included. The customer or developer may also be required to pay to construct lift stations, force mains and other facilities that are required to adequately serve the area. Payment and refunds for such facilities will be as provided for in Sections 111-E and F. No street shall be approved for paving until lines required in that street have been installed by the adjacent owner who desires the paving. The customer or developer shall be eligible for a refund in accordance with Section 111-E for lines that are installed where there is other property adjacent to the line that can be expected to take service directly or indirectly from that line.
- b. In addition to the cost of the lines as required by the Utilities' plans and specifications for construction to provide service to the customer's or developer's property, the customer or developer shall also be obligated to pay his proportionate part of the cost of any lines that were constructed by others which are adjacent to the boundaries of his properties. The charge shall be based on one-half the current FRONTAGE rate fee. The cost shall be determined by multiplying one-half the FRONTAGE rate fee by the length of pipe adjacent to the boundaries of the property to be served.
- c. The sewer mains within and adjacent to the area to be served or other extensions required to provide service will be constructed by the Utility or by its contractor on the basis of competitive bids unless the customer or developer chooses to satisfy the Extension Charge by constructing the facilities in accordance with Section 111-G.
- d. The Utility will prepare a preliminary cost estimate and a minimum of 5.0% of this estimate may be required for deposit by the applicant or developer prior to the preparation of the plans. Final construction plans and specifications will then be prepared. The customer or developer shall pay to the Utility the total amount of the work for his subdivision, less the 5.0% deposit prior to the beginning of construction. The Utility may accept an agreement from a local bank which provides that it will pay the Utility within 10 days after submittal of a payment request, based on actual work completed at the time of the submittal of the request.
- e. Payment of all of the charges provided for herein shall be made prior to making any expenditures of Utility funds or making any connection to the system.

E. REFUNDS

GENERAL

The customer or developer shall be entitled to a refund if: (a) the customer is required to construct or pay to construct "boundary" lines along the perimeter of the area to be served when such lines are adjacent to other property that can be expected to obtain service directly or indirectly from the lines; or (b) is required to construct or pay to construct lines that are outside the area (off-site) where the customer desires service when the property on either side of the line is owned by others and when such property may be expected to obtain service directly or indirectly from said line; or (c) is required to construct or pay to construct sewer lines larger than 8-inches in size. Contracts providing for refunds must be executed with the Utility by the person or persons due the refund prior to the construction of the facilities and no refund shall be made unless such contract has been duly executed. Funds to make refunds for facilities included in (a) and (b) above shall be obtained from property owners who receive service directly or indirectly from the lines eligible for refunds and the Utility shall not be obligated to make any refunds until it has received payment from those properties which benefit by the lines. Its obligation to make such refunds shall never exceed the amount which it receives from the owners adjacent to the extensions. Such refund contracts shall provide for the Utility to make refunds no more frequently than once each year for a period of no more than 20 years from the date of the final acceptance of the lines by the Utility. The amount to be refunded to the customer or developer shall be determined as provided for in Section 111-E, 2, 3 or 4 unless the developer or customer chooses to establish the amount of refund by competitive bids in which case the Utility will receive bids in the normal manner required by law and will establish the amount to be refunded on the basis of the low bid received.

1. Refunds for Boundary Lines

The refunds for boundary lines shall be the length of the pipe installed adjacent to the property to be served times the current FRONTAGE rate fee.

2. Refunds for Off-Site Lines

Off-site sewer lines that are constructed outside of the limits of the area to be served, but necessary to provide service, shall be eligible for a refund. The refund shall be calculated by multiplying the current FRONTAGE rate fee by the length of the pipe installed. One-half of the cost of such lines shall be assessed against the property on each side of the line if such property obtains service directly or indirectly from said line.

3. Refunds for Lines Larger Than 8 inches in Diameter

The refunds on lines that are larger than 8-inches in size shall be based on the difference in the price of an 8-inch line and the actual cost of the line installed. The price of the 8-inch line shall be the length of the pipe installed multiplied by the current FRONTAGE rate fee. Refunds will be paid by the Utility upon completion of facilities constructed by the customer and acceptance by the Utility.

F. SPECIAL DEPOSITS FOR OFF-SITE FACILITIES

1. Deposit Amounts

The customer or developer shall be responsible for paying the total cost of design and construction of any sewer facilities that are not within his/her area of service if such facilities are required to provide adequate service to his/her property. Improvements of this type are referred to as "off-site" and include facilities such as sewer mains, lift stations, wastewater treatment facilities, force mains, manholes or other improvements which are outside of the limits of the property to be served, but which must be extended from the existing main or constructed offsite to provide service to the property. Facilities of this type shall be constructed with capacity deemed necessary by the Utility to support future development. The total cost of these facilities shall be paid by the customer or developer first desiring the service that requires the facilities if the funds have not been appropriated in the current or previous years' budgets for the specific facilities that are required for service to the property. In addition, the requested area must be contiguous to existing development and sewer infrastructure.

A special refund contract will be executed with the customer or developer which will provide for a portion or all of the cost of the deposit to be eligible for a refund as the area served by the facility is developed and connects with sewage system.

2. Refund Amounts

A refund amount shall be established by the Utility such that the customer or developer will have paid costs of infrastructure improvements roughly proportionate to the proposed development in accordance with Texas Local Government Code, Section 212.904. A refund contract will be executed with the customer or developer which will provide for the refund of a portion or all of the costs reflected in the up-front infrastructure improvements deposit. The original customer or developer will then be paid in accordance with the refund contract as additional customers are served by the facility.

No interest will be paid on SPECIAL DEPOSITS and the period in which the customer or developer is eligible for refunds shall be 20 years from the date of the contract. In no instance shall the Utility refund more than the original cost of the facilities constructed and paid for by the owner or developer. Refunds will be made once each year when they are earned.

Refunds on SPECIAL DEPOSITS for off-site mains will be made when the property that is adjacent to the approach main pays its portion of the cost of the facility and the Utility shall never be obligated to refund more money than it receives from the property adjacent to the approach main. Refunds for such lines shall be in accordance with Section 111-E-3

G. CONSTRUCTION BY CUSTOMER

1. Conditions of Construction by the Customer

To satisfy the provisions of Section 111-D a customer or developer may construct or contract with others to construct sewer mains required to serve his subdivision or area in accordance with the plans and specifications of the Utility, provided all of the following conditions are fully satisfied.

- a. The Developer shall post an acceptable Performance Bond with the Utility in accordance with Article 5160, Revised Statutes, to ensure completion of the project on all such projects where the Utility's contribution exceeds \$100,000 or the amount, under Article 5160 as it may be amended, above which performance bonds are required on such municipal contracts.
- b. The total cost of constructing all lines and appurtenances within and adjacent to the subdivision or area to be served is paid by the customer or developer without requesting Utility participation or refunds.
- c. Utility participation in oversize lines is requested, the sewer lines in the entire subdivision shall be bid under the Utilities' participation in lines larger than 8-inches in accordance with Section 111-E-4 and reimbursement for boundary or off-site facilities as provided for in Section 111-E-2 and Section III-E(3).
- d. The developer executes an agreement with the Utility which states the actual cost by item of the work being done, who will perform the work and that the firm doing the work is an independent contractor and will hold the City of El Paso and the Utility harmless from any and all damages or claims which may arise from the performance of the work and will purchase adequate insurance to cover this indemnity. Proof of insurance coverage to fully protect the Utility shall be furnished by the developer or his agent in amounts required on similar Utility contracts.

- e. The Developer and/or the Developer's Surety on the Performance Bond accept the responsibility for the repair and maintenance of the facilities which are installed under a Developer Agreement for a period of 365 days after acceptance by the Utility.

2. Acceptance by the Utility

Upon completion, the developer shall provide the Utility with a letter stating that the lines have been completed and all bills paid and request the Utility to assume ownership in lieu of or in partial payment of the LINE EXTENSION CHARGES on the subdivision. No services will be connected until said letter has been provided.

Upon completion of the work in accordance with the plans and specifications and the above conditions, the Utility, through its Chief Engineer, shall provide a letter of acceptance to the developer.

- H. CONSTRUCTION IN EASEMENTS

It is the Utilities intent to construct sewer mains in public right of ways. Sanitary sewer mains will not be constructed in easements except when the Utility specifically requests and authorizes such construction. Utility easements shall be of sufficient width, accessible and of proper topography to permit construction and maintenance. The Utility shall not be required to accept easements for service which do not meet the above mentioned requirements. No building or permanent structure shall be constructed, with the exception of paving or landscaping and other similar facilities determined by the Utility to be acceptable, in the utility easement.

When service is desired for more than six separate sewer connections on one tract of land not separated by public streets or public alleys and when the actual buildings to be served are more than 100 feet from a public street or alley, service may be obtained at a closer location to the buildings on the customer's property provided the customer furnishes the Utility a valid easement for the lines necessary to provide service at the desired location and agrees to hold the Utility, its PSB and the City of El Paso harmless from damages which may be caused by the existence of lines in said easement and further provided the customer pays the total cost of the lines required in said easement plus the normal extension charges for lines constructed or to be constructed in the streets adjacent to the property.

Where the Utility determines that the location or design of the development creates more danger of damage to the lines or other facilities than the usual development of this type, the customer shall only be served if he/she agrees to hold the Utility, its Public Service Board and the City of El Paso harmless from any such damage which may occur.

- I. ENGINEERING

1. Developer/Customer Engineered Water and Sanitary Sewer Plans

The developer/customer's engineer prepares water and sanitary sewer plans meeting TCEQ and EPWU requirements and submitting those plans to EPWU for approval. Sanitary sewer main extensions shall be designed from the point of connection to an existing EPWU owned sanitary sewer manhole or to a proposed manhole on an existing sanitary sewer main to the farthest property line from the point of connection so that the proposed main extends along the entire frontage of the property to be served. The sewer main shall be designed with sufficient depth, size (minimum 8-inch diameter) and slope ready for future extensions of the main that will enable service to properties located upstream of the property to be served. If a proposed sewer main crosses an existing or proposed water main and TCEQ requirements or EPWU's design standards require that the sewer main be upgraded to a higher pressure rating the pipe shall extend from manhole to manhole. Developers/customers shall submit one complete set of subdivision improvement plans, including boundaries, grading plans, street profiles and topography which have been approved by the City of El Paso and/or El Paso County. The Developer shall submit a hard paper copy and/or electronic media compatible with the EPWU's GADD system. The EPWU will use these as a basis for the design of other extensions and other facility installations.

This option to the developer/customer shall not apply if any offsite extension or capital improvement infrastructure, master plan land studies, or any on-site oversized facilities to serve any areas adjacent to the subdivision are required.

El Paso Water Utilities will provide review of design drawings prepared by consulting engineers on behalf of a developer/customer. A charge of 2.0 percent of the estimated construction costs will be made to the applicant for these services. The full payment of this charge shall be due upon completion of the review by the El Paso Water Utilities

2. Field Surveys and Inspections
Field engineering services by the Utility shall consist of staking out the water and sewer mains and appurtenances only and inspection of construction to assure compliance with Utility standards.
3. Conditions for Construction
The Developer/Customer shall have the streets graded to within 6 inches of subgrade with curbs installed before water and sewer main construction begins. If, by prior agreement, no curb are installed, then the developer/customer must have an adequate number of street centerline of offset stakes or markers placed so that field stakeout for the water and sewer mains can be conveniently made

The Developer/Customer agrees to respond timely to and to bear the cost of correcting any subsequent problem which may arise due to delayed installation of curbs and gutters or changes in grade. This will apply to the developer/customer whether or not lots are subsequently sold to other parties.

SECTION IV RECLAIMED WATER SERVICE DEPOSITS AND CHARGES

- A. MONTHLY CHARGES AND COMMODITY CHARGES
Monthly Charges and Commodity Charges for reclaimed water service shall be in accordance with Rules and Regulations No. 6.
- B. RECLAIMED WATER BILL GUARANTEE DEPOSIT
 - I. Amount of Deposit
A Guarantee Deposit shall be collected from all users of reclaimed water lines and systems of the Utility as a condition of service at the time of the user's application for reclaimed water service from the Utility as follows:

a. Single family residence	\$ 75.00
b. Duplex residence	150.00
c. Triplex residence	225.00
d. Commercial establishment	150.00
e. Industrial	500.00
 2. Conditions of Deposit
If the credit experience of a particular customer is unfavorable, the Utility management shall require a deposit in excess of the scheduled amount to be based on the total of the two highest monthly water bills on record for the customer. The bill guarantee deposit will be applied against the last bill or is transferable. At termination of service, any excess deposit will be refunded. Guarantee deposits shall not earn interest and no customer shall be entitled to interest on the deposit.

C. RECLAIMED WATER SERVICE CONNECTION CHARGES

1. Description and Amount of Charges

The Reclaimed Water Service Connection Charge is a non-refundable payment to the Utility for tapping the street main, installing a service line from the street main to a location behind the curb (if the service is located on a paved street), or to some safe and suitable location (if not on a paved street) and installing a meter box and appropriate fittings. For users identified in a Reclaimed Water Master Plan with existing yard meter(s), the Reclaimed Water Service Connection Charge will be waived on the basis of "one reclaimed water meter for one yard meter of equal size". If a reclaimed water meter larger than the existing yard meter is installed, the user will pay the connection charge price difference between the yard meter and the larger reclaimed water meter. Properties not identified in a Reclaimed Water Master Plan will be charged according to Section II-C(1).

2. Pavement Cuts

For users identified in a Reclaimed Water Master Plan with existing yard meter(s), the charges associated with pavement cuts will be waived on the basis of "one reclaimed water meter for one yard meter of equal size". Facilities not identified in a Reclaimed Water Master Plan will be charged according to Section II-C(2).

3. Limits of Reclaimed Water Service Connection

Payment of the RECLAIMED WATER SERVICE CONNECTION CHARGE and other applicable charges provided herein entitles the applicant to service at the meter. The extension into the property to be served shall be entirely at the customer's expense for construction and maintenance in accordance with Rules and Regulations No. 12.

4. Requirements for Customer Service Extension

Customer service extension (by the applicant) of lines for reclaimed water service from the property line to the building or project of use, shall conform to the City of El Paso Plumbing Code, City-County Health Unit requirements, PSB Rules and Regulations No. 12, and TCEQ regulations. Extension shall be made only on the property on which the service application has been made and the appropriate charges paid.

5. Fees Associated With Cross-Connection Control Program

EPWU Testing Fee: Same as Section 11-C(4)

Test Report Form Fee: Same as Section 11-C(4)

D. CONSTRUCTION RECLAIMED WATER SERVICE

Construction Reclaimed Water Service may be furnished by the Utility through a metered temporary water service to fill water tank wagons for construction purposes where, in the opinion of the Utility, it is not practical at the time of installation to furnish permanent services and where, in the opinion of the Utility, an appropriate location for a standpipe and an adequate reclaimed water supply exist. A positive air-gap or other approved backflow prevention device shall be maintained at all times of operation. The customer will pay the estimated cost of installation and removal of the facility in advance and will agree to pay for the reclaimed water used in accordance with Rules and Regulations No. 6, Section X, plus all costs of any necessary repairs or maintenance of the facility. The connection may be removed by the Utility at the end of 90 days or at any time the facility is operated in such a fashion as to become, in the opinion of the Utility, a nuisance or when the construction is complete. In accordance with Texas Commission on Environmental Quality rules, once reclaimed water has been carried in a vessel, it may never be used for potable water carriage again. Each distribution vehicle and facility using reclaimed water shall meet identification and posting requirements in Rules and Regulations No. 12. The customer will be responsible for preventing runoff of reclaimed water from the site.

- E. LINE EXTENSION CHARGES
Users fronting an existing reclaimed water line installed as part of the initial master planned system will not be charged Line Extension Charges. Users not fronting an existing reclaimed water line and requesting a line extension or fronting a line extended by other customers will be charged in accordance with Section 11-F.
- F. REFUNDS
Refunds will be made in accordance with Section 11-G.
- G. SPECIAL DEPOSITS FOR OFF-SITE EXPANSION FACILITIES
Special deposits will be made in accordance with Section 11-H.
- H. CONSTRUCTION BY CUSTOMER
To be made in accordance with Section 11-I.
- I. CONSTRUCTION IN EASEMENTS
To be made in accordance with Section 11-J.
- J. ENGINEERING
Will be done in accordance with Section 11-K.
- K. BACKFLOW PREVENTION ASSEMBLY VIOLATIONS
Will be handled in accordance with Section 11-L.
- L. PREMISES WITH PRIVATE WELLS
Will be handled in accordance with Section 11-M.

SECTION V CUSTOMER ACCOUNT FEE

All customers who initiate service with the El Paso Water Utilities Public Service Board, or who change the location for service, shall pay a Customer Account Fee of \$20.00 for each transaction.

SECTION VI SEVERABILITY

If any provision, section, subsection, sentence, clause, or phrase of these rules and regulations, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional void, or invalid the validity of the remaining portions of these rules and regulations shall not be affected and all provisions of the rules and regulations are declared to be severable for that purpose.

SECTION VII SAVINGS

These rules and regulations are a part of the other Rules and Regulations of the Public Service Board and, save and except as amended hereby, the remaining provisions of the Public Service Board's rules and regulations shall remain in full force and effect.

SECTION VIII EFFECTIVE DATE

These rules and regulations shall be and become effective from and after their adoption hereby and shall remain in effect until amended or changed by the Public Service Board.

PASSED, APPROVED and ADOPTED this 9th day of December, 1992, by the Public Service Board of the City of El Paso, Texas

RULES AND REGULATIONS NO. 7, SECTIONS II(C)I, II(C)2, II(F)2, II(G), II(G)4, II(K)I, III(C)2, 111(0)2 AND 111(1)1, REVISED, APPROVED and ADOPTED this 24th day of February, 1993.

RULES AND REGULATIONS NO.7, SECTION III(H), REVISED, APPROVED and ADOPTED this 8th day of September, 1993.

RULES AND REGULATIONS NO.7, SECTION IV ADDED, SECTIONS IV, V, and VI RENUMBERED, APPROVED and ADOPTED this 13th day of March, 1996.

RULES AND REGULATIONS NO. 7, SECTIONS II(8)(1), II(C)(1), II(C)(2), II(C)(S), II(K)(1), II(L)(1), II(L)(2), II(M)(1), II(M)(2), 11~8)(1), III(C)(2), and 111(1)(1) ADDED or MODIFIED, APPROVED and ADOPTED this 11th day of December, 1996.

PASSED, APPROVED, and ADOPTED this 28th day of July, 1999, with substantial changes, by the Public Service Board.

RULES AND REGULATIONS NO. 7, SECTION II(E), SECTION 111(1)(1), AND SECTION 111(1)(2) REVISED, APPROVED and ADOPTED this 26th day of April, 2000.

RULES AND REGULATIONS NO.7, SECTION II (C)(la), II(F)(2), II(K), SECTION 111(0)(2), AND SECTION 111(1) (1)REVISED, APPROVED and ADOPTED this 13th day of December, 2006.

RULES AND REGULATIONS NO.7, SECTION I (General) ADDED; SECTION I (A) TABLE OF CONTENTS: SECTION II-F(2) REVISED; SECTION I(B)(Definitions) REVISED; SECTION II (B)(2),II(C). II(E)(1), II(H)(1)&(2), SECTION III(F)(1)&(2), AND SECTION IV(D), REVISED, APPROVED and ADOPTED this 9th day of January, 2008.

RULES AND REGULATIONS NO.7, SECTION II (C)(la), II(C)(2), II(C)(S), II(K)(2), II(K)(3), II(K)(4), II(K)(S), II(N), SECTIONII(C)(2), AND SECTION 111(1)(3),ADDED. REVISED, APPROVED andADOPTED this 11th day of February, 2009.

RULES AND REGULATIONS NO.7, SECTION 11 (C)(5), (F)(4d), II(K)(1), II(K)(2), II(K)(3), III(D)(4d), 111(1)(1), 111(1)(2), 111(1)(3), SECTION II(C)(2), AND SECTION 111(1)(3), ADDED. REVISED, APPROVED and ADOPTED this 17th day of December, 2009.

RULES AND REGULATIONS NO. 7, SECTION 11 (B), II(C)(la), II(C)(2), II(C)(3), II(C)(4), II(F)(1), II(F)(2), II(F)(2c), II(F)(2d), II(F)(2e), II(F)(2f), II(F)(2g), II(F)(3a), II(F)(3b), II(F)(4a), II(F)(4b), II(F)(4d), II(G), II(G)(1), II(G)(2), II(G)(3), 111(1)(c), II(K)(1), II(K)(2), II(K)(3), 111(8)(1), 111(0)(1), 111(0)(2), III(D)(2c), III(D)(2d), III(D)(2e), III(D)(2f), III(D)(2g), III(D)(3a), III(D)(3b), III(D)(4a), III(D)(4b), III(D)(4d), III(E)(2), III(E)(3), III(E)(4), 111(1)(1), 111(1)(2), 111(1)(3), 111(1)(4), 111(1)(5), IV(B)(1), ADDED, REVISED, APPROVED and ADOPTED this 8th day of December, 2010.

RULES AND REGULATIONS NO.7, SECTION II(E)(2c), II(E)(2d), REVISED, APPROVED and ADOPTED this 14th day of December, 2011.

RULES AND REGULATIONS NO.7, SECTION II (C)(1b), REVISED, APPROVED and ADOPTED this 12th day of December, 2012.

RULES AND REGULATIONS NO.7, SECTION II(C)(la) II(C)(1b), (6), II(F)(5), II(K)(3), SECTION III (C), III (1)(3),REVISED, APPROVED and ADOPTED this December 11th, 2013.

RULES AND REGULATIONS NO.7, SECTION IIC(la), II(C)(2), II(C)(4), II (F)(2), SECTION III (C)(2), III (D) (2), REVISED, APPROVED and ADOPTED this 12th day of March, 2014.

RULES AND REGULATIONS NO.7, SECTION II C (1,3), D, G(2,3), K(3), SECTION III C(1), REVISED, APPROVED and ADOPTED this December 10th, 2014.

RULES AND REGULATIONS NO. 7 SECTION II C(1),F(2,5), K(1,2), SECTION III C(2), I(1,2), REVISED, APPROVED AND ADOPTED this January 10, 2018.

RULES AND REGULATIONS NO. 7 SECTION II C(1), REVISED, APPROVED AND ADOPTED this October 10, 2018.

PUBLIC SERVICE BOARD:

Christopher Antcliff, Chair

ATTEST:

Kristina Mena, Secretary-Treasurer

APPROVED AS TO FROM:

Lee Ann B. Keohler, General Counsel



COUNTY OF EL PASO
PUBLIC WORKS DEPARTMENT
800 E. OVERLAND RM 200
EL PASO, TEXAS 79901
(915) 546-2015
(FAX) (915) 546-8194

September 5, 2018

John E. Balliew
President/Chief Executive Officer
El Paso Water
1154 Hawkins Blvd.
El Paso, TX 79925

Re: El Paso County Revised Road Cut Fees

Dear Mr. Balliew:

This letter is to inform you that on July 30, 2018, El Paso County Commissioners Court adopted a revised Road Cut Fee policy. The policy will take effect on October 1, 2018 and will apply to all road cut permits issued by the El Paso County Public Works Department. Please reference the attached Road Inspection & Maintenance Fund (RIM) and the Road Entry & Access Permit (REAP) fees, procedures & requirements for detailed information. The revised fee structure is as follows:

A. All road cuts in County Rights-of-Way (ROW) are subject to the RIM fees:

	Unpaved ROW	Pot Hole (Each)	Paved ROW (75 ft ² or Less)	Paved ROW (Over 75 ft ²)
Preliminary Fee	\$100	\$150	\$250	\$400
Standard Fee	\$200	\$250	\$350	\$500

Applicants pay the Preliminary Fee when the permit is obtained from the County prior to disturbing the County ROW. Otherwise, applicants pay the Standard Fee.

B. Road cuts that disturb more than 300 square feet are also subject to REAP fees:

Asphaltic Pavement Cost (per yd²)

Residential & Collector Streets

- 100 yd² or less: \$6.50
- Over 100 yd²: \$5.20

Arterial & Other Streets

- 100 yd² or less: \$7.65
- Over 100 yd²: \$6.12

Concrete Pavement Cost (per yd²)

Concrete Road Pavement

- 100 yd² or less: \$11.51
- Over 100 yd²: \$9.21

Concrete Driveways & Sidewalks: \$5.68

Unpaved Rights-of-Way Cost (per yd²)

Unpaved Area Projects: \$1.93

REAP fees may be reduced for projects that require full or partial road reconstruction or projects that are determined by Commissioners Court to be "Quality of Life" projects that contribute to Public Health, Safety and Welfare.

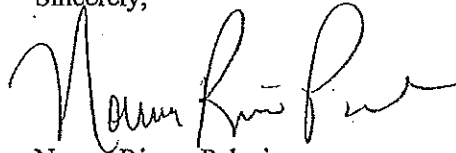
The remainder of the Road Cut Policy that was adopted on September 11, 2017 remains unchanged:

1. Fees are exempt for County of El Paso sponsored or co-sponsored projects.
2. Fees are not authorized to a person or entity that has entered into an agreement with the County that provides for fees to be paid by the person or entity for the use of the County roads, per Local Government Code 240.907(d)(1).
3. Fees are not authorized to a utility that is not required under Chapter 181, Utilities Code, to provide notice to a commissioners court of a county, per Local Government Code 240.907(d)(2).
4. Fees are not authorized for installations that bore or tunnel under a county road without opening up the surface of the road.
5. The County is authorized to impose additional charges to repair damage to a road because of the cut.

Based on current documentation Public Works has on file, a telephone/telegraph company is the only utility that a road cut fee will not be imposed upon based on the adopted policy, specifically Item 3, but a road cut permit is still a requirement. Additionally, please be advised that the road cut permit and fees are subject to all surface cuts within County Rights-of-way, whether paved or unpaved conditions exist.

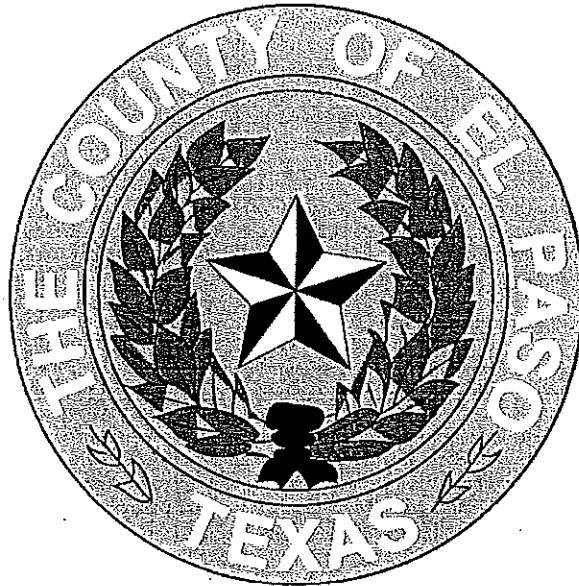
Mr. Gilbert Saldaña, Senior Civil Engineer, in Public Works is available to assist you or to answer any other questions you may have. Feel free to contact him directly at (915) 546-2015.

Sincerely,



Norma Rivera Palacios
Interim Public Works Director

Enclosure: RIM and REAP fees, procedures & requirements



**COUNTY RIGHT-OF-WAY
CUT & ENTRY REGULATIONS:
ROAD INSPECTION & MAINTENANCE FUND (RIM)
ROAD ENTRY & ACCESS PERMIT (REAP)**

*ADOPTED JULY 30, 2018
EFFECTIVE OCTOBER 1, 2018*

**ROAD INSPECTION & MAINTENANCE FUND (RIM)
FEES, PROCEDURES & REQUIREMENTS**

Pursuant to Texas Local Government Code Chapter 240.097, the County of El Paso, "the County," shall establish a fund for the future inspection, repair and maintenance of a cut road through the establishment of a fee for each cut made to County rights-of-way. All road cuts shall be subject to the fees and requirements described below.

For the purposes of the RIM process, the following definitions are adopted:

1. "Right-of-way" is all area dedicated to the County for a public purpose, which may include the roadway as well as sufficient land, where reasonably available, for ditches, repairs and the convenience of the traveling public.
2. "Paved area" includes impervious surfacing to include, but not limited to, asphalt, concrete, chip seal and double-penetration asphalt;
3. "Unpaved area" includes native soil, caliche or base treated shoulders and/or roadway;
4. "Original repair" is all repair work completed by the applicant following completion of the work that originated the payment of a fee to the Road Inspect & Maintenance Fund;
5. "Subsequent repair" is work deemed necessary by the Public Works to address any failures and/or defects in the Original or previous Subsequent Repairs;
6. "Repairs" are remediating the County right-of-way to the previously undisturbed state, to include, but not limited to, repair of the cut area as well as areas immediately disturbed or affected by the operations related to the road cut and/or repair.
7. "Quality of Life" projects are those determined by the Commissioners Court to contribute to the overall safety, health and welfare of the community, and *may* have all applicable fees reduced. *SEE APPENDIX A*

Applicants shall be required to:

1. Pay a Preliminary Permit Fee, as identified below, if the fee is paid in full prior to disturbing any County right-of-way. If the applicant fails to make the payment in full prior to disturbing the County right-of-way, the applicant will be subject to the Standard Permit Fee, as identified below.
2. Make repairs necessary, as identified by the Public Works Department, to include both original and subsequent repairs as requested and in adherence to reasonable timelines determined by the County.
3. Provide a one-year warranty on all repair work to the County in a form acceptable to the County. The warranty period shall commence upon the County's written acceptance of all original and subsequent repairs.
4. Reimburse the County for any costs of reasonable repairs imposed by the County if the applicant fails to make all necessary repairs as identified by the Public Works Department.
5. Follow all adopted County design standards related to the cuts and rights of entry along rights-of-way.

The permit fees assessed, in accordance with state law, are as follows:

	Unpaved ROW	Pot Hole (Each)	Paved ROW (75 ft ² or Less)	Paved ROW (Over 75 ft ²)
Preliminary Fee	\$100	\$150	\$250	\$400
Standard Fee	\$200	\$250	\$350	\$500

**ROAD ENTRY & ACCESS PERMIT (REAP)
FEES, PROCEDURES & REQUIREMENTS**

Pursuant to Texas Transportation Code Chapter 251, the County of El Paso, "the County," may make and enforce all necessary rules and orders for the construction and maintenance of public roads. The County is further authorized to adopt a reasonable fee and permitting process related to the disturbance of County right-of-way for which a fee is not otherwise prescribed. The County hereby adopts the fee schedule and processes as described below, which shall be annually reviewed and adopted during the County budget process.

For the purposes of the REAP process, the following definitions and determinations are adopted:

1. "Right-of-way" is all area dedicated to the County for a public purpose, which may include a roadway as well as sufficient land, where reasonably available, for ditches, repairs and the convenience of the traveling public.
2. "Paved area" includes impervious surfacing to include, but not limited to, asphalt, concrete, chip seal and double-penetration asphalt;
3. "Unpaved area" includes native soil, caliche or base treated shoulders and/or roadway;
4. "Original repair" is all repair work completed by the applicant following completion of the work that originated the request for a Road Entry & Access Permit;
5. "Subsequent repair" is work deemed necessary by the Public Works to address any failures and/or defects in the Original or previous Subsequent Repairs;
6. "Repairs" are remediating the County right-of-way to the previously undisturbed state, to include, but not limited to, repair of the cut area as well as areas immediately disturbed or affected by the operations related to the road cut and/or repair.
7. "Low Impact Access & Entry Facilities" are installations determined by the County Public Works Department to have a minimal impact on County right-of-way that do not exceed 300 ft² of surface area. Such installations, or others as identified by the Public Works Department, are *not* subject to the REAP process.
8. "Quality of Life" projects are those determined by the Commissioners Court to contribute to the overall safety, health and welfare of the community, and *may* have all applicable fees reduced. *SEE APPENDIX A*

Applicants shall be required to:

1. Make repairs necessary, as identified by the Public Works Department, to include both original and subsequent repairs as requested and in adherence to reasonable timelines determined by the County.
2. Provide a one-year warranty on all repair work to the County in a form acceptable to the County. The warranty period shall commence upon the County's written acceptance of all original and subsequent repairs.
3. Reimburse the County for any costs of reasonable repairs imposed by the County if the applicant fails to make all necessary repairs as identified by the Public Works Department.
4. Follow all adopted County design standards related to the cuts and rights of entry along rights-of-way.
5. Follow the County Road Inspection & Maintenance Fund (RIM) process unless otherwise exempted.

The permit fees are based on historic costs and roughly proportional impact to County right-of-way (*SEE APPENDIX A*). The following fee schedule, based on classification of right-of-way, is as follows:

Asphaltic Pavement Cost (per yd²)

Residential & Collector Streets

- 100 yd² or less: \$6.50
- Over 100 yd²: \$5.20

Arterial & Other Streets

- 100 yd² or less: \$7.65
- Over 100 yd²: \$6.12

Concrete Pavement Cost (per yd²)

Concrete Road Pavement

- 100 yd² or less: \$11.51
- Over 100 yd²: \$9.21

Concrete Driveways & Sidewalks: \$5.68

Unpaved Rights-of-Way Cost (per yd²)

Unpaved Area Projects: \$1.93

**APPENDIX A:
ROAD ENTRY & ACCESS PERMIT (REAP)
FEE SCHEDULE (TABLES 1-5)**

The following estimates were developed by the El Paso County Public Works Department's historic analysis of costs and time related to the repairs of various County rights-of-way. Further, the County estimates five percent of all repairs made through the permitting process will fail, requiring the County to review and repair the affected right-of-way. Therefore, the rates reflected in the REAP fee schedule are based on 5 percent of the entire determined impact to the County. Such a determination reflects the accurate and potential impact an access or entry request has on a County right-of-way. These costs shall be annually updated by the Public Works Department and presented to the Commissioners Court during the budget process to account for cost deviations over time.

The El Paso County Commissioners Court reserves the right to reduce fees if a road cut is directly related to a project determined by the Court to contribute to public health and safety of the community, to include, but not limited to, first time water and wastewater installations/projects. Further, REAP fees may be administratively reduced by the Public Works Department if the repairs resulting from the entry into County right-of-way requires total or partial reconstruction of the County right-of-way: Total reconstruction may be eligible for a 50 percent reduction, partial reconstruction (a minimum 15' wide reconstruction) may be eligible for a 25 percent reduction.

Table 1: Asphalt Repair for 100 yd² (Residential/Collector streets)

Item	Unit	Unit Cost	Quantity	Total
<i>Labor</i>				
Labor 1	hr	\$16.96	16	\$271.36
Labor 2	hr	\$16.96	16	\$271.36
Labor 3	hr	\$16.96	0	\$0.00
Operator 1	hr	\$20.18	8	\$161.44
Operator 2	hr	\$20.18	0	\$0.00
<i>Material</i>				
2-sac	cy	\$100.00	33	\$3,300.00
HMAC (2")	ton	\$10.00	10	\$100.00
Delivery fee	ea	\$300.00	2	\$600.00
Demolition/removal	ea	\$300.00	1	\$300.00
<i>Equipment</i>				
Backhoe	hr	\$27.25	8	\$218.00
Roller/Compactor	hr	\$28.75	8	\$230.00
Water Truck	hr	\$36.75	4	\$147.00
Truck	hr	\$26.00	16	\$416.00
Trailer	hr	\$11.25	16	\$180.00
Traffic Control (barricades/plates)	day	\$150.00	2	\$300.00
Total				\$6,495.16
Total/sy				\$129.90
Adjusted County Permit Rate per Sq. Yard (5% of Total)				\$6.50

Table 2: Asphalt Repair for 100 yd² (Arterials and other streets)

Item	Unit	Unit Cost	Quantity	Total
<i>Labor</i>				
Labor 1	hr	\$16.96	16	\$271.36
Labor 2	hr	\$16.96	16	\$271.36
Labor 3	hr	\$16.96	0	\$0.00
Operator 1	hr	\$20.18	8	\$161.44
Operator 2	hr	\$20.18	0	\$0.00
<i>Material</i>				
2-sac	cy	\$100.00	33	\$3,300.00
HMAC (3")	ton	\$10.00	15	\$150.00
Delivery fee	ea	\$400.00	2	\$800.00
Demolition/removal	ea	\$300.00	1	\$300.00
<i>Equipment</i>				
Backhoe	hr	\$27.25	8	\$218.00
Roller/Compactor	hr	\$28.75	8	\$230.00
Water Truck	hr	\$36.75	4	\$147.00
Truck	hr	\$26.00	16	\$416.00
Trailer	hr	\$11.25	16	\$180.00
Traffic Control (barricades/plates)	day	\$600.00	2	\$1,200.00
Total				\$7,645.16
Total/sy				\$152.90
Adjusted County Permit Rate per Sq. Yard (5% of Total)				\$7.65

APPENDIX A (CONTINUED)
ROAD ENTRY & ACCESS PERMIT (REAP)
FEE SCHEDULE (TABLES 1-5)

Table 3: Concrete Road Pavement Repair for 100 yd²

Item	Unit	Unit Cost	Quantity	Total
<i>Labor</i>				
Labor 1	hr	\$16.96	24	\$407.04
Labor 2	hr	\$16.96	24	\$407.04
Labor 3	hr	\$16.96	24	\$407.04
Operator 1	hr	\$20.18	24	\$484.32
Operator 2	hr	\$20.18	0	\$0.00
<i>Material</i>				
base course (6")	ton	\$15.00	40	\$600.00
4000 psi concrete w/ rebar and	cy	\$120.00	24	\$2,880.00
Delivery fee	ea	\$300.00	2	\$600.00
Demolition/removal	ea	\$2,000.00	1	\$2,000.00
<i>Equipment</i>				
Backhoe	hr	\$27.25	24	\$654.00
Roller/Compactor	hr	\$28.75	8	\$230.00
Water Truck	hr	\$36.75	4	\$147.00
Truck	hr	\$26.00	24	\$624.00
Trailer	hr	\$11.25	24	\$270.00
Traffic Control (barricades/plates)	day	\$600.00	3	\$1,800.00
Total				\$11,510.44
Total/sy				\$230.21
<i>Adjusted County Permit Rate per Sq. Yard (5% of Total)</i>				\$11.51

Table 4: Concrete Driveways for 20 yd²

Item	Unit	Unit Cost	Quantity	Total
<i>Labor</i>				
Labor 1	hr	\$16.96	8	\$135.68
Labor 2	hr	\$16.96	8	\$135.68
Labor 3	hr	\$16.96	0	\$0.00
Operator 1	hr	\$20.18	8	\$161.44
Operator 2	hr	\$20.18	0	\$0.00
<i>Material</i>				
base course (4")	ton	\$15.00	1	\$15.00
4000 psi concrete w/ rebar and	cy	\$120.00	1	\$120.00
Delivery fee	ea	\$300.00	1	\$300.00
Demolition/removal	ea	\$500.00	1	\$500.00
<i>Equipment</i>				
Backhoe	hr	\$27.25	8	\$218.00
Roller/Compactor	hr	\$28.75	4	\$115.00
Water Truck	hr	\$36.75	2	\$73.50
Truck	hr	\$26.00	8	\$208.00
Trailer	hr	\$11.25	8	\$90.00
Traffic Control (barricades/plates)	day	\$200.00	1	\$200.00
Total				\$2,272.30
Total/sy				\$113.62
<i>Adjusted County Permit Rate per Sq. Yard (3% of Total)</i>				\$5.68

APPENDIX A (CONTINUED)
ROAD ENTRY & ACCESS PERMIT (REAP)
FEE SCHEDULE (TABLES I-5)

Table S: Unpaved Right-of-way Repair for 100 yd²

Item	Unit	Unit Cost	Quantity	Total
<i>Labor</i>				
Labor 1	hr	\$16.96	4	\$67.84
Labor 2	hr	\$16.96	0	\$0.00
Labor 3	hr	\$16.96	0	\$0.00
Operator 1	hr	\$20.18	4	\$80.72
Operator 2	hr	\$20.18	0	\$0.00
<i>Material</i>				
base course (4")	ton	\$15.00	1	\$15.00
Fill Material	cy	\$20.00	1	\$20.00
Delivery fee	ea	\$0.00	1	\$0.00
Demolition/removal	ea	\$0.00	1	\$0.00
<i>Equipment</i>				
Backhoe	hr	\$27.25	4	\$109.00
Roller/Compactor	hr	\$28.75	2	\$57.50
Water Truck	hr	\$36.75	2	\$73.50
Truck	hr	\$26.00	4	\$104.00
Trailer	hr	\$11.25	4	\$45.00
Traffic Control (barricades/plates)	day	\$200.00	1	\$200.00
	Total			\$772.56
	Total/sy			\$38.63
	<i>Adjusted County Permit Rate per Sq. Yard (5% of Total)</i>			\$1.93