

## **GENERAL GUIDELINES FOR THIRD-PARTY CONSTRUCTION OR MAINTENANCE ACTIVITIES**

Energy Transfer and its affiliates and related companies (“ET”) are dedicated to the highest safety standards in the continued operation of their pipelines and facilities. Of utmost importance to ET is the continued safety of the public and its pipeline and facilities during construction and other activities on, across, over or under its right-of-way. ET is therefore pleased to provide these general guidelines (“Guidelines”) for third-party construction, blasting, installation or modification of pipelines, underground utilities, roads, streets, driveways, ditches, drainage canals or any other type of temporary or permanent structure or obstruction or any other encroachment on, over, across or paralleling ET’s right-of-way (hereinafter referred to as “Crossing” or “Crossings”).

These Guidelines are intended to be consistent with State Code and are further based upon industry standards and practice. These Guidelines are merely guidelines and upon notification to ET of a proposed Crossing, as required by State Code, each proposed Crossing and its corresponding finalized plans and profile drawings will be evaluated by ET and the third-party requesting such Crossing, pending final approval.

### **1. Notification**

- a. The party requesting such Crossing shall use its best efforts to provide ET with its finalized plans and profile drawings at least thirty days (30) days prior to any related construction or maintenance activity. The Pipeline Facility shall include, but is not limited to, rights-of-way, fee properties, easements, pipelines, meter and regulator buildings and valve sites (“ET Pipeline Facility” or “Facilities”). Unless otherwise agreed to by ET in writing, no equipment shall enter onto ET’s Pipeline Facility unless an ET representative is on location.
- b. No excavation shall occur in the vicinity of ET’s Pipeline Facilities until:
  - 1) In accordance with the State approved Notification Centers, ET shall be notified at least 48 hours in advance of any construction or maintenance activity. You must contact the State approved Notification Center at 811. Before commencing any Crossing at or near ET’s Pipeline Facility you must also contact ET’s Field Representative(s) listed below;
  - 2) Unless otherwise agreed to by ET in writing, an ET representative is on site to monitor the excavation activities.

### **2. Drawings for Proposed Construction or Maintenance**

Any proposed construction or maintenance activity in the vicinity of ET’s Pipeline Facilities will require submittal of final plans and profile drawings for prior review and approval by ET. One (1) copy of these drawings must be submitted to ET’s Encroachment Department via e-mail [encroachments@energytransfer.com](mailto:encroachments@energytransfer.com). All plans and drawings must show in detail, all of ET’s

Pipeline Facilities, its corresponding right-of-way and any other landmarks that will assist ET in determining the location of the proposed Crossing and the effects of the proposed construction or maintenance activity on ET's Pipeline Facilities.

**3. Encroachment Agreement**

In certain instances, due to the type of Crossing required and the probable impact upon ET's Facilities, an encroachment agreement may be necessary for proposed construction or maintenance within ET's Pipeline Facility. ET shall be responsible for preparing such encroachment agreement and shall bear the cost and expense in such preparation. Such encroachment agreement shall outline the responsibilities, conditions and liabilities of the parties and must be fully executed and in ET's possession prior to commencing any construction activity.

**4. Insurance Coverage**

In certain instances, due to the type of Crossing required and the probable impact upon ET's Facilities, ET may require evidence of comprehensive general liability insurance coverage prior to any construction or maintenance activity in the vicinity of its Facilities. In the event ET requires evidence of comprehensive general liability insurance, ET and/or its affiliates and related companies, whichever the case may be, shall be named as additional insured.

**5. Crossing Pipelines with Equipment**

To protect ET's pipelines or related Facilities from additional external loading, ET may perform a field survey and an engineering study to determine the effects of any proposed activity over its pipelines or related Facilities. Mats, timber, air-bridges, or other protective materials deemed necessary and appropriate by ET may be required and placed over ET's pipelines or related Facilities for the duration of any loading. When utilizing an air-bridge refer to Energy Transfer's approved design. Air-bridge design provided upon request.

**6. Excavation, Cuts, or Fill near ET's Pipeline Facility**

- a. Unless otherwise agreed to by ET in writing, an ET representative will be on location prior to and during construction activity within ET's Pipeline Facility.
- b. No heavy equipment of any type will be permitted to work directly over ET's pipelines or related Facilities, unless otherwise agreed to in writing by ET.
- c. All excavation within eighteen inches (18") of any pipeline will be performed by hand. At the discretion of ET's onsite representative, excavators may be required to hand dig beginning at a distance greater than eighteen inches (18").
- d. All excavations within ET's Pipeline Facility shall be backfilled with a minimum of eight inches (8") lifts of backfill material, where pipeline padding is reduced ensure backfill is clean and free from rock, trash, concrete, rubbish, or hazardous material. Soil backfill must be compacted to the satisfaction of the ET onsite inspector so that settling does not occur.
- e. No grade cuts will be permitted within ET's Pipeline Facility unless otherwise agreed to in writing by ET and with ET's representative on location. An engineering study may be performed to ensure that the lateral stability of ET's pipelines or related Facilities are not affected.

- f. No fill shall be permitted within ET's Pipeline Facility unless otherwise agreed to in writing by ET. No more than twenty-four inches (24") of earthen fill material (pipeline cover not to exceed seven feet (7'), free from any rocks, trash, concrete, rubbish, rebar, hazardous materials, etc., will be permitted within ET's Pipeline Facility, unless otherwise agreed to in writing by ET.
- g. Earthen cover over ET's pipelines shall be thirty-six inches (36") or no less than what was originally there prior to any construction. In the event that ET determines that a lesser cover will not increase the risk to the public or increase the risk of a break, leak, rupture or other damage to ET's pipelines or related Facilities, ET may allow a lesser earthen cover, in a minimum amount as determined solely within the discretion of ET.
- h. No trash or debris shall be placed in any excavation or left in or on ET's Pipeline Facility.
- i. The creation of storm water outfalls or other water management controls which would make the pipeline right-of-way more susceptible to erosion are not allowed.

**7. Aboveground Appurtenances, Structures and Obstructions**

- a. Unless otherwise agreed to in writing by ET, no aboveground appurtenances, structures, or obstructions of a temporary or permanent nature shall be located within ET's Pipeline Facility that, in any way, interfere with operating, maintaining, accessing, inspecting, repairing, modifying, replacing or relocating such Facilities. The appurtenances, structures and obstructions include, but are not limited to the following: buildings, structures, signage, utility poles, steel towers, guy wires, other structures supporting aerial lines, satellite dishes, manholes, catch basins, septic systems, utility pedestals, transformers, fire hydrant, large spoils of earthen materials, decks, pools, boats, RV's, trailers and storage of hazardous or non-hazardous materials.
- b. Unless otherwise agreed to in writing by ET, no foreign towers (Wind Turbine and Communication Towers) are permitted within 1500 feet (1500') of ET's Pipeline Facilities. Refer any requests to the Right-of-Way Representative/Encroachments Group.

**8. Proposed Pipe and Utility Lines**

- a. General Guidelines:
  - 1. For the safety of the public and to lessen the risk of a break, leak, rupture or other damage to ET's Pipeline Facility and in furtherance of the state code, ET's Pipeline Facility shall be positively located by ET before any Crossings are constructed or installed near ET's Pipeline Facility.
  - 2. Plan and profile drawings are required for all foreign utility Crossings.
  - 3. For open trench Crossings, ET requires a minimum clearance of twenty-four inches (24") be maintained between the bottom of ET's pipeline or related Facilities and any foreign line or facilities unless otherwise agreed to in writing by ET.
  - 4. For conventional and horizontal directionally drilled (HDD) bore Crossings, ET requires a minimum clearance of thirty-six inches (36") below ET's pipeline/facilities.

5. For horizontal directionally drilled (HDD) bore Crossings that are large diameter, twelve inches (12") or greater, a minimum of sixty inches (60") of clearance below ET's Pipeline Facilities and across the entire width of ET's right-of-way is required.
  6. Excavate ET Facilities at the point of the proposed Crossing on the approach side to verify the auger head, boring and installation process will not damage ET's Pipeline Facilities.
  7. All foreign lines shall cross ET's Pipeline Facility at ninety degrees (90°) or at an angle of not less than forty-five degrees (45°), unless otherwise approved by ET. Longitudinal occupancy of ET's Pipeline Facility will not be permitted.
  8. Buried utility lines must be identified with permanent aboveground markers where lines enter and exit ET's right-of-way. Installation and maintenance of the markers shall be the responsibility of the foreign line owner.
  9. No manholes, valves or other appurtenances will be permitted within ET's Pipeline Facility.
  10. No vertical or horizontal bends allowed within ET's Pipeline Facility unless approved by ET.
  11. ET's Pipeline Facility is cathodically protected. All other cathodically protected facilities that enter, or cross ET's Pipeline Facility must have test leads installed. Any inquiries for cooperative testing should be directed to the attention of ET's Field Representative on location. Any utility Crossings that may be negatively affected by ET cathodic protection will need to be designed accordingly (i.e. coated, cased, etc.)
  12. ET may require excavation of its Facilities to perform corrosion related tasks before and during foreign line Crossings as required.
  13. All underground utilities (other than residential telephone, cable TV and 24-volt DC power lines) may require plastic identification tape installed no closer than eighteen inches (18") above the line.
- b. Water or Forced Sewer Lines
1. All water and sewer lines shall be either (1) ductile iron or steel casing (coated to protect it from ET's cathodic protection) or (2) steel encased in plastic schedule 80 PVC for a minimum of 5-feet on either side of any ET's pipelines or related Facilities or (3) standard PVC pipe.
  2. Forced sewer lines shall have no piping connections located within 5-feet of any ET's pipelines or related Facilities or placed within ET's pipeline easement.

c. Communication, Power or Combustible Material Lines

1. When open trench Crossing with underground fiber optic cables, telephone and television cables (other than residential telephone and cable TV) crossing under ET's Pipeline Facility shall be installed in rigid non-metallic conduit with bags of concrete-mix placed directly above and below the conduit across ET's right-of-way or similar company approved method. Place warning burial tape the width of ET's right-of-way at least 18 inches (18") directly above communication cables. Bags of concrete-mix and burial tape are not required when installing via HDD or conventional bore.
2. When open trench Crossing with underground electric cables except 24-volt DC power lines (including single residential service drops) crossing under ET's facilities shall be installed in nonmetallic conduit with bags of concrete-mix placed directly above and below the conduit across ET's right-of-way or similar company approved method. Place red warning burial tape the width of ET's right-of-way at least 18 inches directly above the cable. A minimum of thirty-six inches (36") is required if over 600 volts.
3. When underground electric cable over 10 kV is crossing ET Facilities it shall be a shielded cable installed within ridged non-metallic casing. Bags of concrete-mix or a similar ET approved method, must be placed directly above and below the casing across the width of ET's right-of-way. Place red warning burial tape the width of ET's right-of-way at least 18 inches directly above the cable. ET requires a minimum clearance of sixty inches (60") below ET's Pipeline Facilities. Bags of concrete-mix and burial tape are not required when installing via HDD or conventional bore.
4. Any overhead Crossing exceeding 160 kV and any power lines that will be constructed parallel to and outside of ET's right-of-way within 300 feet of ET's Pipeline Facilities, must be agreed to in writing by ET.
5. All overhead power/communication lines must cross ET Facilities with a minimum vertical overhead clearance of twenty-five feet (25') to grade at full load and maximum temperature.
6. ET recommends that all underground residential telephone, cable TV and 24-volt DC power lines be encased in plastic conduit for the full width of the right-of-way.

ci. Exclusive Easement Construction

1. When constructing a directional drill across ET's easement a minimum separation of ten (10) feet must be maintained between the outside diameter of the bottom of ET's pipeline and the top of any of your facilities within ET's exclusive easement area
2. When constructing a conventional bore across ET's easement a minimum separation of three (3) feet must be maintained between the outside diameter of the bottom of ET's pipeline and the top of any of your facilities within ET's exclusive easement area

9. **Proposed Roads, Streets, Driveways, Access Ways and Parking Lots**

- a. Load stress will be calculated by ET to determine if any protection of the pipeline is required for roadways, streets, driveways, access ways, etc., planned to cross ET's Pipeline Facility. In the event it is determined by ET that the roadways, streets, driveways, access ways, etc., will increase a risk to the public or increase a risk of a break, leak, rupture or other damage to ET's Pipeline Facility, ET may require, at the sole cost and expense of the party requesting such Crossing, the installation of protective material or pipeline adjustment as may be deemed necessary by ET to protect the public or ET's Pipeline Facility.
- b. The preferred minimum earth cover over ET's Pipeline Facility is forty-eight inches (48") at all roadways, streets, driveways, access ways, etc., including adjacent ditch lines. In the event that ET determines that a lesser cover will not increase a risk to the public or increase a risk of a break, leak, rupture or other damage to the pipeline or related Facilities, ET may allow a lesser earth cover, in a minimum amount as determined solely within the discretion of ET. In the event the required amount of cover is not obtainable as reflected in finalized plan and profile drawings, ET may require the installation of protective material at no expense to ET. Cover shall be measured from the top of ET's pipeline to the surface of the road.
- c. Roads and streets crossing over ET's Pipeline Facility shall cross at an angle of not less than forty-five degrees (45°), or as near as possible thereto. Crossings should be over straight pipe and at locations free of any crossovers. Longitudinal occupancy of the right-of-way will not be permitted.
- d. No parking areas or the like will be allowed on, over or across ET's Pipeline Facilities.
- e. Permanent pipeline marker(s), provided by ET, will be installed at all road Crossings.

10. **Disposal Systems**

No aerobic septic systems, septic tanks, liquid disposal systems, or hazardous waste disposal systems will be allowed on ET's Pipeline Facility or within twenty-five (25) feet of ET's Pipeline Facility, unless otherwise agreed to in writing by ET. This will include, but is not limited to, affluent from sewage disposal systems, the discharge of any hydrocarbon substance, the discharge or disposal of any regulated waste, or any other discharge that may prove damaging or corrosive to ET's Pipeline Facility.

11. **Impoundment of Water**

- a. In order to provide for the adequate maintenance and operation of ET's Pipeline Facility, the impoundment of water on ET's Pipeline Facility will not be allowed.

- b. Temporary soil erosion and sediment control devices and storm water detention basins/traps will not be permitted on ET's Pipeline Facility unless otherwise agreed to in writing by ET.

**12. Blasting & Seismic Activity**

- a. To the extent it impacts the lateral stability or otherwise endangers or interferes with the efficiency, safety, or convenient operation of ET's Pipeline Facility, no explosive detonations will be permitted within 300-feet of ET's Pipeline Facility without: (1) prior blast plan impact analysis and written approval from ET and (2) ET's representative on site during blasting. To determine if the detonation stresses will be detrimental to the safety of ET's Pipeline Facility, information required to complete ET's "Blasting Data Sheet" must be submitted to ET for evaluation and approval no less than 30 days prior to the proposed date of blasting activity. The contractor performing the blasting will be required to verify by signature the proposed blasting plan.
- b. No "Non-Explosive" seismic testing or construction equipment with steady state vibrator, intermittent vibrator, or thumper sources shall be conducted within 150 feet of ET's Pipeline Facility without prior written approval.

**13. Landscaping & Irrigation Systems**

- a. Landscaping shall not be permitted within ET's Pipeline Facility unless otherwise agreed to in writing by ET.
- b. Irrigation heads and valves shall not be permitted within ET's Pipeline Facility unless otherwise agreed to in writing by ET.
- c. Irrigation systems shall not be directly installed longitudinally over ET's Pipeline Facility and shall not be buried deeper than 12-inches, regardless of location, from the surface of the ground within ET's Pipeline Facility.

**14. Pipeline Markers**

The party request such Crossing will ensure that all temporary and permanent pipeline markers installed by ET are always protected and maintained during construction or Crossing related activity. Any permanent markers damaged or removed will be replaced by ET at the sole expense of the party requesting such Crossing. No work will be allowed to commence until, in the opinion of ET, sufficient pipeline markers are in place. Unauthorized damage or removal of pipeline markers is punishable by Federal law.

**15. Right of Ingress and Egress**

- a. The party requesting such Crossing shall have the right to install fences on, over and across the Facilities, provided, however, that ET shall have the unrestricted right of ingress and egress to its Facilities at all times. Any fencing, except agricultural fence, must be approved in writing by ET. ET prohibits any fencing which obstructs access or line of sight for patrol/inspection or identification markers.
- b. ET, at its sole option and discretion, may require the party requesting such Crossing to install, at its sole cost and expense and for ET's benefit, a walk gate at least three (3) feet in width for residential lots or gate at least twelve (12) feet in width for rural areas at each

fence Crossing. ET shall provide a lock for such gate(s). Said gate(s) shall be installed as to provide ET with ingress and egress access to its pipeline or related facilities and to minimize vehicular and equipment travel over ET's pipeline or Facilities.

- c. The party requesting such Crossing shall be responsible for keeping the enclosed portion of ET's pipeline or related Facilities free of any debris or trash.
- d. ET's pipeline or related Facilities shall be positively located by ET before any fences are constructed or installed near ET's Pipeline Facilities. Post hole excavations for fencing placed near ET's Pipeline Facilities shall not be greater than a depth of eighteen inches (18") below the undisturbed grade level nor closer than five feet (5') horizontally from ET's pipeline or related Facilities.

**16. Statement Regarding Existing Rights**

**NOTHING CONTAINED HEREIN SHALL BE CONSTRUED TO CONVEY, WAIVE, OR SUBORDINATE ANY OF ET'S EXISTING RIGHTS WHATSOEVER. SHOULD A CONFLICT EXIST WITH THE LANGUAGE CONTAINED IN ANY ET ENCROACHMENT AGREEMENT, EASEMENT, OR PETITION IN CONDEMNATION AND THESE GUIDELINES, ET'S ENCROACHMENT AGREEMENT, EASEMENT, OR PETITION IN CONDEMNATION SHALL CONTROL AND BE DECISIVE OF THE ISSUE.**

**17. Statements Regarding Guidelines for Construction and Maintenance**

Certain construction and maintenance activities may be reviewed and approved by ET at one point in time, but not immediately installed or performed. Therefore, all construction and maintenance activities are subject to the Guidelines in affect at the time the work takes place. In addition, the guidelines described in this document represent those industry standards that ET believes meet the minimum acceptable standards regarding third-party construction and maintenance activities in the vicinity of ET's Pipeline Facility. Therefore, after review of the final plan and profile drawings, ET may, in the event that ET determines the construction and maintenance activities will increase a risk to the public or increase a risk of a break, leak, rupture or other damage to ET's Pipeline Facility, require fortifications in furtherance of state codes. The party requesting such Crossing agrees to alter, modify or halt any construction activity, which in the sole opinion of ET's, will increase the risk to the public or increase the risk of a break, leak, rupture or other damage to ET's Pipeline Facility.

All written correspondences and your final design plans are to be addressed to:

**Energy Transfer Company**  
[encroachments@energytransfer.com](mailto:encroachments@energytransfer.com)  
**Attention: Encroachment Department**

[END]