

1 **POLICY ON THE INSTALLATION AND MAINTENANCE OF COMMERCIAL**
2 **PIPELINES ALONG OR ACROSS COUNTY ROADS**

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4 This policy of the Board of County Commissioners in and for Crook County, WY
5 is for the installation of a commercial pipeline along or across any maintained or non-
6 maintained County road. This policy is necessary since approximately 1,000+ miles of
7 County roads exist in Crook County and the County does not have the funds to maintain
8 all of the County roads in Crook County. Landowners, and Permittees do not have an
9 absolute right to install commercial pipelines within County road right-of-ways and the
10 County has the right to regulate the use of the County road. This policy is not binding
11 upon the Board of County Commissioners, but is a guideline to best use the limited
12 resources of Crook County. It provides an administrative process for commercial
13 pipeline developers to obtain various County permits in a timely manner and mitigate the
14 impact to the health and safety of the residents, taxpayers and landowners of Crook
15 County, while allowing for development, and increasing and diversifying the tax base of
16 Crook County.

17 The County prefers that commercial pipelines are not located within County road
18 right-of-ways to avoid causing additional maintenance, potential destruction and
19 interference with the public’s use of County roads for general, recreational, business and
20 emergencies. Permittees that install commercial pipelines should locate them to avoid
21 County road right-of-ways, existing infrastructure, rural or residential areas and
22 subdivisions. Commercial pipelines will not be installed in areas where there are
23 intersections, existing or planned major improvements to County roads, such as bridges,
24 large culverts, cattle guards; or other major improvements on the adjoining land that the
25 commercial pipeline will interfere. The placement of commercial pipelines where one
26 has not existed before should be limited to no more than one (1) per pipeline easement
27 along or across a County Road. Permittees should use the best technology available at a
28 reasonable cost.

29 The removal rather than the leaving in place of commercial pipelines is
30 encouraged. The Permittee shall pay for the impact caused by them before installation of
31 the commercial pipeline.

32
33 **PROCESS FOR OBTAINING A CROSSING PERMIT FOR A COMMERCIAL**
34 **PIPELINE**

- 35
36 1. To start the process the Permittee requesting to install a commercial pipeline
37 within the County road right-of-way shall schedule an initial meeting with the
38 Road and Bridge Department and Growth and Development Office. The purpose
39 of this pre-meeting is to familiarize the Permittee with County Staff, requirements
40 and resources.
41 2. The Permittee shall pay the County a non-refundable fee of \$5,000.00 or 0.1% of
42 the cost of the project, whichever is less, for the impact caused by the Permittee to
43 prepare the Permit Application.
44 3. The Permittee shall obtain a draft of “Commercial Pipeline License” together with
45 a map that shows the road, road number, land ownership overlay, perennial
46 stream data, and the mailing addresses of all adjoining surface owners from the

- 1 County Assessor's Office, and any other information they feel may be relevant.
2 The Permittee shall provide the County Growth and Development Office the route
3 or potential routes of the commercial pipeline in a geo-referenced shapefile
4 electronic format. The County information should be obtained in electronic
5 format from the Growth and Development Office so as to prepare useable
6 documents.
- 7 4. This information will be provided to the Growth and Development Office and
8 Road and Bridge Department a minimum of five (5) business days before the
9 initial meeting. It will be used later by the Board of County Commissioners,
10 Road and Bridge Department, and other County Departments pertaining to the
11 road in question at the time of the initial meeting.
- 12 5. **INITIAL MEETING:** Will be with the Growth and Development Office
13 and Road and Bridge Department Office. The Permittee and County departments
14 will:
- 15 a. Review the information provided by the Permittee;
16 b. Determine the locations of existing commercial pipelines, intersections,
17 existing or planned major improvements to the County road such as
18 bridges, large culverts, cattle guards or other major improvements on the
19 adjoining land that the commercial pipeline will interfere;
20 c. Determine what other County, State and Federal Permits are required, to
21 disclose potential conflicting issues, such as, if the County has been
22 preempted by State or Federal law governing any requirements of this
23 Permit;
24 d. Review the information provided by the Permittee and any other
25 information that is deemed necessary including discussions with staff and
26 local agencies;
27 e. Review the "Commercial Pipeline License" to assure it is properly
28 prepared, for example: the depth of pipeline equals State requirements;
29 f. Provide the Permittee with Road Maintenance Agreement, Access
30 Permits, Tax and Assessment Information, Fire management Plan, Weed
31 and Pest Plan, and Rural Addressing Application for all shut off valves,
32 pump stations or significant improvements on the pipeline;
33 g. Set a time for the Permittee to view the proposed commercial pipeline
34 route with the Road and Bridge Superintendent and others they deem
35 necessary;
36 h. Set a time on the County Commissioners' calendar no less than four (4)
37 weeks before the Commissioners meeting for the Commissioners to hold a
38 public hearing on granting or disallowing the "Commercial Pipeline
39 License" to the Permittee.
40
- 41 6. **VIEWING THE ROUTE:** The Permittee shall view the proposed commercial
42 pipeline route, crossings, access locations, transportation routes, other impacted
43 County roads with the Road and Bridge Superintendent and others they deem
44 necessary.
- 45 a. The Road and Bridge Superintendent and others after viewing the route
46 shall prepare their proposed agreements.

- 1 b. The Road and Bridge Superintendent will state the depth of the
2 commercial pipeline according to Wyoming Department of Transportation
3 standards or regulations, and where it should cross the County road.
- 4 c. If requested the County Attorney will give the legal status of the road.
- 5 d. If requested the Sheriff should be present to provide input on traffic,
6 speed, or any other problems that may be an issue.
- 7 e. If requested the Growth and Development should give their input.
- 8 f. If after the viewing of the proposed crossings the Road and Bridge
9 Superintendent determine that the County should not grant the Permit then
10 he will notify the Permittee by first class mail. If the Permittee disagrees
11 with the Road and Bridge Department's decision then the Permittee may
12 within thirty (30) days request that the County Commissioners review the
13 matter at a County Commissioners meeting not less than fourteen (14)
14 days from the date on the notice of denial.
- 15 g. The County Clerk shall by first class mail notify the Permittee of the
16 review of the Road and Bridge Department's decision by the County
17 Commissioners.
- 18
- 19 7. **PUBLIC HEARING:** If the Road and Bridge Department recommends
20 approval of the locations of the "Commercial Pipeline Licenses" and Access
21 Permits after viewing of the roadway, the Permittee and Road and Bridge
22 Superintendent will meet with the Board of County Commissioners at a Public
23 Hearing.
- 24 a. The Permittee shall provide signed "Commercial Pipeline Licenses,"
25 Access Permits, Road Maintenance and Repair Agreement, Fire
26 Management Plan, Rural Addressing, Perennial Stream Crossings, Third
27 Party Water Quality Testing.
- 28 b. The Permittee shall pay for all costs as set forth in the agreements. Any
29 agreements will be entered into with Permittees in writing with the
30 appropriate financial guarantees or payments.
- 31 c. The Public Hearing shall be advertised in all County newspapers and the
32 County Website for three (3) consecutive weeks before the Public
33 Hearing. Notice of the hearing shall be mailed out by first class mail by
34 the County Clerk on behalf of the Board of County Commissioners to all
35 landowners of record along the route of the pipeline and impacted County
36 roads in the County Assessor's office when the Permit are filed. All
37 documents will be available for public review, except those exempted by
38 the Wyoming Public Records Act.
- 39 d. The Public Hearing will be a legislative type hearing and not a contested
40 case hearing.
- 41 e. The purpose of the Public Hearing will be to determine if the Permittee
42 has substantially complied with this policy, has taken the public's health
43 and safety into consideration, as well as mitigated the actual and
44 reasonably potential concerns to public health and safety.
- 45 f. Since the Permittee has already submitted its proposal it will not be
46 required to make an initial presentation, but may choose to do so.

- 1 g. The general public may then make comments. Preference will be given to
2 County residents, taxpayers and landowners. They are all encouraged to
3 have a spokesperson, not be repetitive, threatening or argumentative, and
4 to have read the proposal before making comments.
- 5 h. Written comments and exhibits by the general public should be submitted
6 at least one (1) week before the Public Hearing for consideration by the
7 Permittee, Board and Departments.
- 8 i. After public comment, the Board may ask the various County
9 Departments, State Agencies, Federal Agencies, Permittee or other
10 person(s) to respond at the hearing.
- 11 j. At the end of the Public Hearing the Board will approve, deny or modify
12 the various County Permits, Agreements, Plans, Financial Guarantees, and
13 other requirements imposed by the Board.
- 14 8. If the Board of County Commissioners allow for the installation of a commercial
15 pipeline they will enter into the "Commercial Pipeline Licenses," Access Permits,
16 Road Maintenance and Repair Agreement, Fire Management Plan, Rural
17 Addressing, Perennial Stream Crossings, and require the Permittee to pay for all
18 costs as set forth in the agreements. Any agreements with the Permittee will be in
19 writing with the appropriate financial guarantees.
- 20 9. If the Board of County Commissioners deny the installation of a commercial
21 pipeline, the Permittee will be required to condemn the County.
- 22 10. The Commercial Pipeline Licenses and Access Permits shall be recorded in the
23 County Clerk's Office and the appropriate Road File.

24 25 **MAINTENANCE OF COMMERCIAL PIPELINE**

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- 27 1. The Permittee of the commercial pipeline and any subsequent owner are
28 responsible for the upkeep maintenance of the commercial pipeline. If a
29 commercial pipeline is abandoned, it shall be removed unless written permission
30 is granted by the County.

31 32 **ROAD MAINTENANCE AGREEMENT**

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- 34 1. The Permittee shall enter into a Road Maintenance and Repair Agreement with a
35 guaranteed or cash bonding amount before obtaining a Commercial Pipeline
36 Permit.
- 37 2. This agreement shall include dust mitigation before and after construction by
38 magnesium chloride or a similar substance.

39 40 **ACCESS PERMITS**

- 41
- 42 1. The Permittee shall obtain all County road Access Permits before obtaining a
43 Commercial Pipeline Permit.

44 45 **RURAL ADDRESSING**

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- 1 1. The Permittee shall obtain all rural addresses requested before obtaining a
2 Commercial Pipeline Permit.

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4 **HOMELAND SECURITY**

- 5
6 1. The Permittee shall provide all information requested before obtaining a
7 Commercial Pipeline Permit.
8 2. The Permittee shall keep apprised of and comply with any Burn Restriction
9 imposed by the County Commissioners.
10 3. The Permittee shall prepare a Fire Management Plan for the project with the
11 County Fire Warden.

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13 **WATER QUALITY**

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15 The Permittee shall:

- 16 1. Pay for an independent third party, which will be pre-approved by the Crook
17 County Natural Resource District (CCNRD), to test water quality before a
18 Commercial Pipeline License is granted by the County Commissioners. Water
19 quality tests shall be of any consenting landowner's water wells, springs, ponds,
20 reservoirs, running streams or other water source within one (1) mile of the
21 commercial pipeline route. The CCNRD shall hold a copy of the data;
22 2. Notify CCNRD of the route of the commercial pipeline across any perennial
23 stream, creek or river, and one (1) week before the crossing is started.
24 3. Notify Crook County Homeland Security immediately regarding any leak within
25 Crook County and provide written reports of said leaks to the Board within forty-
26 eight (48) hours;
27 4. Provide shut-off valves before and after all perennial streams, creeks and rivers
28 and anywhere else where geologically unstable conditions exist;
29 5. And provide the County its agencies, and its residents with the Licensees' contact
30 information necessary to report any emergency.

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32 **TAXES**

- 33
34 1. The Permittee shall obtain the following in Crook County, WY so that the County
35 obtains the tax benefits of the commercial pipeline:
36 a. Mobile Machinery Stickers;
37 b. Advertise for jobs on the pipeline with the State of Wyoming, Department
38 of Workforce Services at <http://wyomingworkforce.org>;
39 c. Take delivery of all pipe, valves, hardware, fuel and other infrastructure
40 inside Crook County so that the County receives the sales tax revenue paid
41 for the purchase of anything connected with the pipeline;
42 d. Make a good faith effort to use local vendors, contractors, and services.
43
44 2. The Permittee shall prepare a report of estimated tax revenue to be paid by
45 Permittee, its contractors and vendors over the next ten (10) years to State and

1 local governments. This shall include sales and use tax, license fees, mobile
2 machinery fees, and ad valorem taxes.

3
4 3. The Permittee shall prepare a report of estimated expenditures and improvements
5 to be paid and made by Permittee, its contractors and vendors over the next ten
6 (10) years within the County.

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8
9 PASSED, APPROVED AND ADOPTED by the Crook County Commissioners on the
10 ____ day of _____, 2013.

11
12 BOARD OF COUNTY COMMISSIONERS IN AND FOR CROOK COUNTY,
13 WYOMING

14
15 BY _____
16 J.W. HADLEY, CHAIRMAN

17
18 BY _____
19 KELLY B. DENNIS, VICE-CHAIRMAN

20
21 BY _____
22 JEANNE A. WHALEN , MEMBER

23 State of Wyoming }
24 }
25 County of Crook }

26
27 Signed or attested before me on _____
28 _____, 2013 by J. W. Hadley, Chairman, Kelly B. Dennis Vice-Chairman, and Jeanne
29 A. Whalen, Member, Board of Crook County Commissioners.

30
31 _____
32 CONNIE D. TSCHETTER, CROOK COUNTY CLERK

33 (Seal)

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