

RIGHT OF WAY USE PERMIT

Montrose County Public Works
63160 LaSalle Rd, Montrose, CO 81401
(970) 249-5424

PERMITTEE

Name _____

Address _____

Telephone _____
Email _____

Department Use Only

Date Issued _____
Permit No. _____
Road Name _____
Road Segment ID _____
Inspection Fee _____
Weed Control Fee _____

NOTE TO PERMITTEE: You must notify owners or operators of underground utility facilities at least two (2) business days prior to making or beginning excavations in the vicinity of such facilities, as required under Section 9-1.5-103 Colorado Revised Statutes. **CALL UTILITY NOTIFICATION CENTER OF COLORADO (UNCC) at 811 or 1-800-922-1987 FOR MARKING OF MEMBER UTILITIES. CONTACT NON-MEMBER UTILITIES DIRECTLY.**

ACTIVITY DESCRIPTION (Furnished by Permittee)

PURPOSE Installation Adjustment/Relocation Removal Maintenance of existing facility Other
FACILITY (Type, size, class of transmittant, design pressure or potential, etc.) _____
WILL WORK BE SUBCONTRACTED Yes No NAME OF SUBCONTRACTOR _____
NATURE OF INSTALLATION Longitudinal (Parallel) Transverse (Crossing) Fixed Object
 Misc. Surface Disturbance Open Cut Boring Aerial/Ground Mounted Misc. Non-Surface Disturbance
LOCATION Road Name _____ Address _____ City/Town _____
Section/Township/Range _____ Subdivision _____
Name of Person being Serviced _____
START DATE _____ FINISH DATE _____
ADDITIONAL REMARKS _____

For underground location information, contact: _____ Telephone _____
Surface area to be disturbed (Area) _____ (Length) _____ (Width) _____

PLANS: Attach plans or work sketch ("Exhibit A") showing location, character, dimension, and detail of the work to be done. 1 set minimum required. Compliance with the plans or sketch, as approved by the County, shall be a condition of this permit.

INSURANCE: A Certificate of Insurance showing compliance with the Standard Provisions shall be attached to and made part of this permit. Insurance Certificate provided for Permittee Yes No ; For Subcontractor Yes No

INTL _____ Permittee is prohibited from commencing any work within road ROW prior to issuance of a fully endorsed and validated permit. Permit, plan exhibit, insurance certificate(s), and traffic control plans must be available on site during work.

INTL _____ Your request to use and/or occupy county road system right of way as described above is granted subject to the terms and conditions of this permit, including the Standard and Special Provisions, as shown on the FRONT and BACK hereof. IT IS UNDERSTOOD that the Permittee will accomplish the work at no expense to the county and will own and maintain the facilities permitted.

INTL _____ Permittee hereby assumes, releases and agrees to indemnify, defend, and protect and save the County of Montrose harmless from and against any loss of and/or damage to the property of the County of Montrose, third parties or the Permittee's facilities, and all loss and/or damage on account of injury to or death of any person whomsoever, arising at the time, caused by or growing out of the occupation of Montrose County Road rights of way to Permittee's facilities or any part thereof, including, but not limited to, installation, adjustment, relocation, maintenance or operation, or removal of existing facilities, unless such loss and/or damage arise from the sole negligence or willful conduct of the County of Montrose or its employees or agents.

INTL _____ Failure by Permittee to comply with any of the included terms or conditions may subject this permit to suspension or cancellation, at the discretion of the County. Working in the right-of-way without a fully endorsed and valid permit on site at work location shall constitute a violation of CRS 43-5-301, Obstructing highway - penalty.

INTL _____ THIS PERMIT IS NOT VALID UNTIL FULLY ENDORSED AND DATED BY AUTHORIZED REPRESENTATIVES OF BOTH THE PERMITTEE AND COUNTY. A fully executed copy of this permit shall be filed with the County Engineering Office. In accepting this permit the undersigned representing the Permittee verifies that he or she has the authority to sign for and bind the Permittee and that he or she has read, understand and fully accepts all of the included conditions.

PERMITTEE/AUTHORIZED

BINDING AGENT: _____ **TITLE:** _____ **DATE:** _____

As the authorized representative of the Utility to be installed under this Permit, I acknowledge that the installation work is not being performed by any contract with the Utility I represent nor under my supervision and assume no responsibility for the workmanship for any problems that might result during the 2 yr warranty period as specified under the "Operations & Maintenance" section of this Permit. I do acknowledge that the Utility I represent is the Owner of the facility to be installed under this Permit and as such takes full responsibility for any problems or damages arising from this installation after the 2 yr warranty period referred to above, or in the event that the installation contractor cannot be located.

UTILITY: _____ **REPRESENTATIVE:** _____ **DATE:** _____

SPECIAL PROVISIONS (Completed by County)

All work shall only be in accordance with the approved plans, Standard Provisions, and Special Provisions as set forth in this permit.

The County Inspector is **Tim Holman** Telephone **252-7009 or 209-7204**

Traffic Control Plan Approved Traffic Control Plan Sign work area

Work time restrictions: **Daylight hours and Weekdays only**

Required location aids (Tape, Trace Wire, ROW Markers) _____

SURETY TYPE _____ **Issuer** _____

Identification # _____ **Projected Release Date** _____

OTHER: _____

PERMIT ISSUANCE

By _____
County Inspector Date

WARRANTY AND SURETY RELEASE

By _____
County Inspector Date

STANDARD PROVISIONS FOR R.O.W. USE PERMIT

These Standard Provisions are terms and conditions of this permit.

Activity authorized under this permit shall comply with the requirements of the Montrose County Right-of-Way Use Permit Application & Construction Standards, conditions imposed by County Engineer or Designee, and applicable federal, state, and industry codes and regulations. Repair or construction of any portion of the highway facility, including the pavement structure subsurface support, drainage, landscaping elements, and all appurtenant features, shall comply with the most recent provisions of the Montrose County Road & Bridge Standards and with the Colorado Standard Plans (M&S Standards).

24-10-114 CRS = Section 24-10.114, Colorado Revised Statutes 1973, as amended.

ROW = Right-of-Way or Apparent Right-of-Way, Immunity by all legal means.

COMMENCEMENT AND COMPLETION

No work on highway ROW shall commence prior to issuance of a fully endorsed and validated permit.

Permittee shall notify the Montrose County Engineer: 1) Two working days before commencing work on ROW; 2) When suspending operations for 5 or more working days; 3) Two working days before resuming suspended work; 4) Upon completion of work.

PLANS, PLAN REVISIONS, ALTERED WORK

Plans or work sketch (EXHIBIT A) are subject to Montrose County approval. A copy of the approved plans or sketch must be available on site during work.

Plan revisions, or altered work differing in scope or nature from that authorized under this permit are subject to Montrose County approval. Permittee shall promptly notify the Montrose County Engineer of changed or unforeseen conditions which may occur on the job.

INSURANCE

Permittee shall procure and maintain general public and auto liability and damage insurance covering the operation under this permit, in the amounts specified in 24-10-114 CRS. Policies shall name Montrose County as additional insured party. Like coverage shall be furnished by or on behalf of any subcontractors. Certificates of insurance showing compliance with these provisions shall be attached to and made a part of this permit: copies must be available on site during work.

WORK WHERE COUNTY LACKS AUTHORITY

Work within municipal boundaries (pursuant to 43-2-135 CRS), or on certain public lands, may require separate approval of the appropriate jurisdictional agency or property owner.

ATTACHMENT TO HIGHWAY STRUCTURES

Permittee is responsible for designing structures and attachments, subject to the approval of the Montrose County Engineer.

DRAINAGEWAYS AND WATERCOURSES

In no case, shall the flow of water ever be impaired or interrupted. Where possible, crossings of ditches, canals or water carrying structures shall be bored beneath. Irrigation ditch or canal crossings require approval of the ditch company or owner. Damage to any drainage facility shall be repaired by the Permittee to the satisfaction of the owner.

TRAFFIC CONTROL

Whenever the work will affect the movement or safety of traffic, Permittee shall develop and implement a traffic control plan and utilize traffic control devices as necessary to ensure the safe and expeditious movement of traffic around and through the work site and the safety of the utility work force.

The traffic control plan and the application of traffic control devices will conform to the Manual on Uniform Control Devices and Colorado Supplement thereto, and with S-630-1.

Permittee's traffic control plan is subject to Montrose County approval prior to commencing work on road ROW. A copy of the approved traffic control plan must be available on site during work.

CLEAR ROADSIDE CONSIDERATIONS

Montrose County is committed to provide a roadside area that is as free as practical from nontraversable hazards and fixed objects ("clear zone"). New above ground installations may be permitted within the clear zone only upon showing that no feasible alternate locations exist. Permittee must utilize appropriate countermeasures to minimize hazards.

Permittee should remove materials and equipment from the highway ROW at the close of daily operations. The traffic control plan must include protective measures where materials and equipment may be stored on ROW.

Open trenches and other excavations within road ROW shall be addressed in the Permittee's traffic control plan.

Permittee agrees to promptly undertake mitigating or corrective actions acceptable to the County upon notification by Montrose County that the installation permitted herein had resulted in an otherwise unforeseen hazardous situation for highway users.

GENERAL CONSTRUCTION REQUIREMENTS

No work shall be permitted at night or 30 minutes before sunset, on Saturday, Sunday, or on holidays recognized by the County without prior authorization or unless specified in this permit. Montrose County may restrict work on ROW during adverse weather conditions or during periods of high traffic volume. Those areas within ROW, which must be disturbed by permit operations, shall be kept to a practical minimum.

No cleated or tracked equipment may work on or move over paved surfaces without mats.

Material removed from any portion of the roadway prism must be replaced in like kind with equal or better compaction. No segregation of materials will be permitted.

The utility facility shall be of a durable material in conformity with accepted practice or industry standards, designed for long service life, and relatively free from routine services or maintenance.

Construction or compaction by means of jetting, puddling, or water flooding is prohibited within all road ROW.

Thrust blocks will be required on all vertical and horizontal bends in pressure pipes.

All meters shall be placed upon private property. Where not feasible it shall be within 3 (three) feet of the edge of ROW.

Damage to or alteration of any survey monumentation shall be repaired or placed by a Colorado Licensed Professional Surveyor at Permittee's sole expense. Records of repair to monumentation shall be filed in accordance with State Law.

ALIGNMENT, COVER, CLEARANCE

Location and alignment of Permittee's facilities shall only be as specified in this permit or as otherwise indicated in the approved plans or work sketch (Exhibit A).

Parallel installations should be located as near as practical to the ROW line. Crossings should be as nearly perpendicular to the highway as feasible.

Where no feasible alternate locations exist, parallel installations may be permitted along roadside areas within 15 feet from edge of shoulder or back of curb. In these cases, the facilities must be so located and safeguarded as to avoid potential conflict with necessary highway appurtenances (signs, guardrail, delineators, etc.)

Parallel installations shall follow a uniform alignment, wherever practical. Due consideration must be given to conserving space available for future utility accommodations. The standard allowable deviation from the approved horizontal alignment is +18 inches.

Minimum cover shall be as per Special Provisions authorized in the permit. Normal specified cover shall be 36 inches or greater; reduced cover, 24 inches absolute minimum, may be approved where site conditions warrant.

Minimum overhead clearance shall be as per Special Provisions authorized on the permit, consistent with utility manual criteria.

ROAD CUTS AND REPAIRS

*This permit is automatically released in 24 months from date of construction unless otherwise held for warranty.

Pavement cuts permitted only when subsurface conditions will not permit boring or unless otherwise specified in this permit. Pavement shall be saw cut to a neat line.

Pavement will be replaced to a design equal or greater than that of the surrounding undisturbed pavement structure. Pavement repair shall be as per the County's Standards, Special Provisions and/or the approved plans. Repair pavement a minimum of 1 ft. beyond excavation onto undisturbed soil. Use MC70 or equivalent for tack coat.

All road cuts shall be repaired in 6" lifts with class 6 or ¾ crushed road base gravel and will be done with introduced moisture. Lifts will be compacted to 95% AASHTO T-180 or as otherwise specified in the County Standards, with proof of such compaction available upon request. Pit Run gravel may be used as a part of the reconstruction as approved by the Montrose County Engineer.

Full depth flowable fill may be used, in lieu of compacted fill if installed in compliance with Section 3.7 of the Montrose County Right-of-Way Use Permit Application and Construction Standards.

BORING, JACKING, ENCASEMENT

Unless otherwise specified, buried crossings shall be bored or jacked beneath the roadway, at least from toe of slope to toe of opposite slope. All boring shall be cased with a minimum SD-35; PVC or equivalent from portal to portal. Portals for untrenched crossings more than 5 feet in depth will be bulkheaded. Minimum lateral dimensions from portal to edge of pavement are 6 feet, but in any case shall not be less than the vertical.

Water jetting or tunneling is not permitted. Water assisted boring may be permitted as determined by the Montrose County Engineer.

Boring shall not exceed 5 percent oversize. Resultant voids shall be grouted or otherwise backfilled, subject to Montrose County approval. Ends of bored sections shall not be covered before being inspected. Anticipated frost provisions for water lines shall be the responsibility of the Permittee.

INSPECTION AND ACCEPTANCE

Montrose County will determine the extent of inspection services necessary for a given installation. Permittee may be charged the cost of inspection services at \$50.00/hr or per inspection as directed by the County Engineer for significant projects. Estimate of Permit and Inspection fees shall be paid for at time of permit issuance. Final rebates or payments shall be made prior to final inspection and closeout. Permittee shall attend final inspection as may be required.

Unacceptable work shall be promptly removed and -replaced in an acceptable manner. Final acceptance does not relieve Permittee of maintenance obligations toward those elements of the highway facility constructed under this permit.

RESTORATION OF RIGHT-OF-WAY

Prior to final acceptance, all disturbed portions of highway right-of-way shall be cleaned up and restored to their original or better condition, subject to Montrose County approval.

Seeding, sodding, and/or planting may be required for disturbances of 500 sq. ft. as specified or otherwise approved by Montrose County. Where landscape restoration must be delayed due to seasonal requirements, such work may be authorized by separate permit.

OPERATION AND MAINTENANCE

Permittee agrees to own and maintain the installation permitted herein. The facility shall be kept in an adequate state of repair and maintained in such a manner as to cause the least interference with the normal operation and maintenance of the highway.

If any element of the highway facility, constructed or replaced as a condition of this permit, fails within 2 years from date of completion of construction due to improper construction or materials, Permittee will be responsible to make all repairs immediately as notified in writing by Montrose County.

Routine, periodic maintenance and emergency repairs may be performed under the general terms and conditions of this permit. Montrose County shall be given proper advance notice whenever maintenance work will affect the movement for safety or traffic. In an emergency, the road district office and the County Sheriff shall immediately be notified or possible traffic hazards. Emergency procedures shall be coordinated beforehand, when possible.

Maintenance activities requiring new excavation or other disturbances within highway ROW may require a separate permit.

Where highway construction or maintenance operations so require, Permittee will shut off lines, remove all combustible materials from the road right-of-way, or provide other temporary safeguards.

Should any of the permittee's facilities be abandoned, Permittee agrees to promptly notify the district office and to remove any or all portion of such facilities, as may be directed by Montrose County.

UNDERGROUND UTILITY LOCATION ASSISTANCE

Permittee may be required to identify the installation with suitable markers or a type and at locations as specified or otherwise approved. Markers shall be maintained by Permittee for the life of the installation.

Warning ribbon and/or detection wire may be required for buried facilities, "As Constructed" lines with grades will be furnished as directed.

Owners of the underground facilities should participate in notification association information filed pursuant to 9-1.5-103 CRS.

ADJUSTMENTS DUE TO ROAD CONSTRUCTION

In the event any changes are made to the road in the future that would necessitate removal, adjustment or relocation of this installation, Permittee will do so promptly, at no cost to Montrose County except as provided by law, upon written notice from Montrose County.

EMERGENCY OPERATIONS

Should a facility failure emergency arise, contact the Montrose Sheriff's Office (911). Application for appropriate permits shall be completed during office hours of the first business day following emergency. Provisions for inspections shall be reviewed with the Montrose County Engineer.

SUSPENSION AND CANCELLATION

The Montrose County Engineer may suspend operations due to: 1) Non compliance with the provisions of this permit; 2) Adverse weather of traffic conditions; 3) Concurrent highway construction of maintenance in conflict with permit work; 4) Any condition deemed unsafe for workers or for the general public. Work may resume upon disposal of grounds for suspension.

This permit is subject to cancellation due to: 1) Persistent noncompliance with permit provisions; 2) Abandonment or transfer of ownership; 3) Supersedeure by new permit covering the same installation; or 4) conflict with necessary planned road construction; 5) Unforeseen conflicts with adjacent lands; 6) Work exceeds the scope or is outside the scope of a permit; 7) Permit shall automatically cancel if, construction has not commenced and does not remain actively in progress within 6 mos. from date of issue; or 8) Any permit determined by the County Engineer to be without an adequate surety, as required by County Standards, shall be subject to immediate revocation by the County Engineer. Permittee must promptly terminate occupancy upon notice of cancellation of permit unless a new permit is applied for and granted.

Where Permittee does not fulfill an obligation to repair or maintain any portion of the highway facility, or control and safely maintain the flow of traffic thereon. Montrose County reserves the right, in lieu of canceling this permit, to accomplish the required work by any other appropriate means and Permittee shall be liable for the actual cost thereof, and withhold issuance of further permits until such time as the conditions of previous permits have been met. This procedure shall not restrict the County from pursuing remedies available by law.