

RULES AND REGULATIONS OF BOARD OF CROW WING COUNTY COMMISSIONERS FOR UTILITIES ON COUNTY MAINTAINED ROADWAYS

DEFINITION

Utility. Under this order "utility" shall mean and include all privately, publicly or co-operatively owned communication lines and facilities, any systems, lines and facilities for the distribution and transmission of electrical energy, oil, gas, water, sewer, steam and other pipe lines, railways, ditches, flumes or other structures which under the laws of this State or the ordinance of any town or city may be constructed, placed or maintained across, along or on county highway right of way. Dependent upon the meaning intended in the context, "utility" shall also mean the utility company, inclusive of any wholly owned subsidiary.

GENERAL

I. Except as otherwise permitted, utility construction and relocation on county highway right of way shall not be commenced until an application for a permit has been made and such permit granted. The permit sketch shall show the location of the proposed utility with reference to county highway centerline. A copy of the sketch shall be provided for each copy of such permit. The application shall be submitted a minimum of five working days prior to the anticipated start date.

II. Burning or disking operations and/or the use of chemicals to control or kill trees, brush and other vegetation is prohibited without prior approval from the County Highway Engineer.

III. All waterways and lines of drainage shall remain operative.

IV. Wherever topsoil and sod are disturbed they shall be replaced and maintained satisfactorily until the turf is established. The Utility shall be responsible for providing adequate erosion control and acquiring any additional permitting that may be required due to work in environmentally sensitive areas.

V. The utility facility and installation shall not interfere with any existing utility facilities on the county highway right of way.

VI. When necessary, barricades, warning devices and flagmen shall be provided, as required by the Minnesota Manual on Traffic Control Devices (MMUTCD), by the utility during all phases of their construction and maintenance operations on county highway right of way.

VII. At the time of construction of the utility and at the times of subsequent maintenance, prior approval shall be obtained from the County Highway Engineer and adjacent property owner for the cutting and trimming of trees within the county highway right of way. The utility shall advise the County Highway Engineer at least 48 hours in advance of its intent to start clearing and grubbing operation so that proper supervision can be provided.

VIII. The Utility shall notify the County Highway Engineer of its intent to perform service and maintenance operations which will interfere with the flow of traffic on county highways, and shall obtain his approval prior to performing such operations. However, the Company may perform service and maintenance operations on county highways including opening and disturbing the surface of the right of way without prior approval in those instances where an emergency exists that is dangerous to the life or safety of the public and which requires immediate repair. The Utility shall take all necessary and reasonable safety measures to protect the traveling public and shall notify the County Highway Engineer at the earliest possible moment.

IX. If any time Crow Wing County, acting through its Board of County Commissioners, shall deem it necessary to make any improvements or changes on all or any part of the right of way of the County Highway which affect a utility located on county highway right of way, then and in such event, the owner of the utility shall within 15 days after written notice from the Board of County Commissioners, or its authorized agent, proceed to alter, change, vacate or remove said utility from the county highway right of way so as to conform to said county highway changes and as directed by the Board of County Commissioners. Such work shall be done without any cost whatsoever to Crow Wing County and shall be completed within the date specified in said written notice. The Utility shall assume all liability and save Crow Wing County harmless from any and all claims of damage of any nature whatsoever occasioned by reason of not having removed said utility within the time specified in said notice.

X. The Utility shall assume all liability for, and save the County, its agents and employees, harmless from any and all claims for damages, actions or causes of action arising out of the work to be done herein and the continuing uses by the Utility, including but not limited to the placing, constructing, reconstructing, maintaining and using of said utility under this application and Permit.

XI. The Board of County Commissioners may require the Utility, or its contractor, to furnish a deposit in the form of a certified check, a surety bond or corporate undertaking, in favor of the Board of County Commissioners of Crow Wing County, for any expense incurred by the County in the repairing of damage to any portion of the county highway right of way caused by work performed under a Permit, including any out of the ordinary engineering supervision and inspection expense provided by the county. In those instances wherein a deposit is required, the amount of the deposit shall be specified in the Special Provisions of the permit. If a check is furnished, any monies remaining over and above such expense shall be returned to the applicant.

XII. The Permit as issued does not in any way imply an easement on private property.

XIII. The installations shall be made in conformity with all applicable laws, regulations and codes covering said installations. All installations shall be made in conformity with regulations of governmental agencies for the protection of the public.

XIV. Upon completion of an installation, the Utility shall restore the county highway right of way to its original condition. The Utility shall then notify the office of the County Highway Engineer of the completion of the work so that inspection can be made to determine its acceptability.

XV. Failure to comply with the Rules and Regulations or Special Provisions for any permit, by either the Utility or the installer, will result in future permits for both being denied until such time that compliance has been achieved. Unless a time continuance has been requested and approved, permits not being closed and accepted by the original completion date may also result in future permit denial.

AERIAL

I. There shall be only a single pole line on the county highway right of way on either side of the center line thereof.

II. Longitudinal installations on county highways shall normally be located in the outer five feet of the right of way. At crossings of the county highway, poles shall be placed at a minimum of thirty feet from the shoulder lines of the through roadbeds unless right of way widths are prohibitive to such location.

III. The location of all brace poles, anchors and anchor poles within the limits of the county highway right of way shall be approved by the County Highway Engineer.

IV. In those instances in which a Utility is issued a Permit or Permits for construction on both sides of the county highway right of way in a given area, such Permit is conditioned upon the Utility subsequently providing joint use to other Utilities upon reasonable terms mutually agreeable to the Utilities.

UNDERGROUND

I. All crossings of the roadbeds of the county highways shall be made by boring inside a casing or carrier pipe, or by jacking, unless this procedure is modified in the Special Provisions of the Permit. The auger shall not lead the casing or carrier pipe by more than one inch. Open trenching shall be restricted to the area from 5 feet beyond the shoulder to the right of way line except as modified in the Special Provisions of the Permit.

II. When pipes with bells or flanges are installed, the crossings of the roadbeds of the county highway shall be made by boring inside a conduit as provided in paragraph I of this section or jacking a conduit of sufficient diameter to permit threading the carrier pipe through it.

III. All voids caused by jacking or boring shall be filled by pressure grouting. The grout materials shall consist of a sand-cement slurry of at least two sacks of cement per cubic yard and a minimum of water to assure satisfactory placement.

IV. The underground utilities shall be so installed as virtually to preclude any necessity for disturbing the roadbeds to perform maintenance operations.

V. Underground installations shall be accomplished without damaging or destroying the principal root structure of specimen trees.