___ POWER or COMMUNICATIONS
___ WATER
___ WASTE WATER
___ _____ (other)

EMMET COUNTY, IOWA

A P P L I C A T I O N
FOR PERMIT TO
CONSTRUCT UTILITIES ON COUNTY HIGHWAY RIGHT-OF-WAY

Applicant,_____,
(Name of Company) (Address)

incorporated under the laws of the State of _____, with principal place of business in

_____, _____.
(City) (State)

Date:_____

EMMET COUNTY BOARD OF SUPERVISORS:
Estherville, Iowa

Gentlemen:

Approval is hereby requested for utility (e.g., cable, pipe line, conduit, tile) construction, as described below, as it relates to the County's easement and/or use of the roads and road rights-of-way.

_____

_____

_____

_____

The Applicant acknowledges that they may be responsible for securing easements and rights-of-way from the land owner for construction of the utility in the County road right-of-way.

A plat(s) of proposed utility construction showing locations and other pertinent information shall be attached to each copy of the Application. Following completion of construction, the Applicant shall submit precise locations of the construction to the Engineer's office as stipulated within this Application.

The proposed utility will be located on County Road _____, at the general location described below.

_____

_____

_____

_____

_____

AGREEMENTS: The Applicant agrees that the following stipulations shall govern under this Permit:

1. All overhead or buried utilities (e.g., cable, pipe line, conduit, tile) constructed *longitudinally* along the road shall be placed not closer than _____ feet from the edge of the pavement, or not closer than _____ feet from the center line of unpaved highways, at the locations (include proposed height or depth) more specifically described as follows:

_____

_____

_____

_____

2. All overhead or buried utilities *crossing* the ROW are described below, including information for each crossing as to method of placement (trenched, bored, jacked, directionally drilled, etc.), and information on whether or not the utility is encased, at the locations (include proposed height or depth) more specifically described as follows:

_____

_____

_____

3. The Applicant shall take all reasonable precautions during the construction of said utilities to protect and safeguard the lives and property of the traveling public, adjacent property owners and existing utility owners, and shall save the County and the Board of Supervisors harmless of any damage or losses that may be sustained by the traveling public, adjacent property owners or existing utility owners on account of such construction or subsequent maintenance operations. The County assumes no responsibility for failure to give notice of the presence of existing utilities. The Applicant is responsible for requesting existing utility locates by contacting Iowa One Call.

The Applicant further agrees to indemnify Emmet County, Iowa from all costs directly or indirectly relating to claims, demands, or litigations which arise directly or indirectly from the approval by the County Board of Supervisors of this Application or subsequent construction as contemplated in this Application. These costs shall include, but shall not be limited to, attorney fees, judgments, court costs, investigation costs, settlement amounts which may be paid by Emmet County, Iowa, directly or by third person on behalf of Emmet County, Iowa. It is further understood between the parties that this indemnity agreement shall cover claims in tort, contract, or otherwise, in law or in equity, which do arise either directly or indirectly from the granting of this Application for Permit or subsequent construction as contemplated in this Application.

4. It is the responsibility of the Applicant to determine the scope of effort required to locate boundaries needed for placement of their utilities. Please be advised that, for the purpose of construction, engineering surveys typically find and use ROW boundaries *already established* by licensed land surveyors. The Applicant will bear the costs of the services of a licensed land surveyor to resolve questions that may arise pertaining to utility planning and construction with respect to ROW or property boundaries. The Applicant will bear the costs of the services of a licensed land surveyor if the County Engineer determines that a licensed land surveyor is required to resolve the integrity or accuracy of points or plats of established land survey boundaries as it relates to planning and construction of the utility. If the County determines a need for the services of a licensed land surveyor to resolve utility planning and construction issues, the County shall inform the Applicant of those needs before the County may pursue retaining the services of a licensed land surveyor for resolution of those issues.

Extreme care shall be exercised to **NOT DISTURB** survey monuments and property corners**.** If any survey monuments and property corners are disturbed or destroyed as a result of utility construction or maintenance, all costs for restoration will be charged to the Applicant or reimbursed to the County by the

Applicant. The Applicant also agrees to reimburse the County for engineering survey costs to restore proper drainage or road geometry affected by utility installation. Applicant shall be notified of the need for the above types of surveying if such work is attributable to the Applicant's utility construction or maintenance.

5. When communication with Applicant or their designated Contractor(s) and/or Installer(s) is necessary, representatives of the County Engineer's Office will communicate with the designated Construction Manager or Supervisor. It is the Applicant's responsibility to provide the County Engineer's Office with a list of designated contacts, their contact information, and chain of command.

The County Engineer's Office will not immediately direct the work of the Applicant's work crews, except through the designated Construction Manager or Supervisor, or in the case of emergency.

No utility construction on County ROW will be allowed from September 30 through April 15 without explicit consent of the County Engineer. Exceptions will be considered on a case-by-case basis.

The Applicant shall inform the County Engineer's Office of the start date and time to allow for checking compliance with required Traffic Control and other requirements of the Permit. The Applicant agrees to give the County Engineer's Office at least forty-eight (48) hours notice, excluding weekends and holidays, of its intent to start construction in or on the road ROW. Said notice shall be made in writing to the County Engineer. After the utility is placed in service, for emergency repair situations, the Applicant shall notify the County Engineer's Office as soon as reasonably possible.

6. Operations in the construction and maintenance of utilities shall be performed in such a way as to not interfere with, or interrupt traffic on the roads. Traffic Control shall be used when work is performed within the ROW and it will be in compliance with Part 6 of the current 2009 Edition, Manual on Uniform Traffic Control Devices (M.U.T.C.D.) for Streets and Highways.

All Traffic Control plans shall be subject to the County Engineer's review. It shall be the responsibility of the Applicant to develop and implement Traffic Control plans as stipulated above, and comply by implementing the Traffic Control plans.

Any time the contractor/utility company is working in County ROW, at least the minimum Traffic Control as stipulated above shall be implemented. There shall be a sign (Utility Work Ahead) in <u>each</u> direction from a utility construction, maintenance or repair operation.

During non-working hours, equipment and trailers used for utility installation or repair shall be parked off the road, no closer than fifteen feet (15') from the edge of all roads. At other times, or when the 15' distance is not possible, Traffic Control, as cited above, must be practiced.

7. The Applicant, in the course of constructing or maintaining their utilities, shall not hold the County or the Board of Supervisors responsible for any damage that may result to said road or ROW. The Applicant shall repair damages and restore roads and ROW, complying with specifications and practices approved by the County Engineer, or, shall reimburse the County for any expenditure that the County may encumber because of the Applicant's utilities having been constructed thereon.

Ground surfaces, slopes and ditch bottoms that are damaged or destroyed by construction or maintenance shall be reshaped in a neat manner. Sodded areas that have been damaged or destroyed will be re-seeded. All work shall be done in a workmanlike and timely manner. Any future costs that may be required to restore roads, shoulders, backslopes, foreslopes, culverts, drainage tiles and associated appurtenances back to their original function and condition prior to utility construction, will be borne by the Applicant.

The County will endeavor to inform Applicant, in a timely manner, of all repair work caused by utility construction or maintenance. However, if safety issues or justifying circumstances warrant an immediate

response to urgent or critical situations that can not be addressed in a timely or satisfactory manner by the Applicant, the County will act to rectify the situation. Applicant will bear responsibility for County's costs of materials, and work performed related to repair activities.

8. Utilities placed on Emmet County ROW shall adhere to the current "Iowa Department of Transportation Policy for Accommodating and Adjustment of Utilities on the Primary Road System," Revised and Implemented December, 2005, and "Policy for Accommodating Utilities on County and City (Non-Primary) Federal Aid Highway Right of Way" Effective October 2006. Utility crossings and installations shall be constructed as follows:

a. **General Requirements**: On paved (asphalt or concrete) or unpaved roads, utilities may be placed through the sub-grade by jacking, directional drilling, or by boring a hole just large enough to take the line; or if the County Engineer approves, a tunnel may be dug through and the utility or casing placed therein. On unpaved roads, an open trench may be dug and the utility placed therein, and the trench backfilled over the line. All backfill of tunnels and trenches shall be thoroughly compacted in layers of 6" or less in depth. Backfilling of trenches within the ROW but not under the traveled roadway, shall be tamped sufficiently to minimize settlement.

Placement of utilities shall be consistently on one side of the road. Alternating placement of utilities from one side of road to the other will not be allowed unless extenuating circumstances compel the County Engineer to decide otherwise.

All drainage ditch, river or creek crossings (water courses with flowing water) will be reviewed by the County Engineer on a case-by-case basis.

The Applicant shall be required to expose the utility (e.g., cable, pipe, etc.) upon request of the County Engineer when Emmet County or its designated contractors have work in the vicinity of the buried utility.

Applicant agrees to reimburse the County for all inspection costs, if any, during and after construction, as deemed necessary by the County Engineer.

The County Engineer's Office must be notified if signs must be removed for construction or maintenance, or if signs are damaged or broken. The Applicant will not remove nor re-install signs, but will reimburse the County Engineer's Office for signage-related work caused by utility installation or maintenance.

b. **Water Utilities' Requirements**: Water mains 2" or less inside diameter shall be Schedule 40 PVC plastic, copper, cast iron or ductile iron. Water mains of more than 2" inside diameter shall be cast iron, ductile iron or Class C-900 or other appropriate PVC plastic, and be encased. The casing shall be of adequate strength, and of sufficient length to extend 2 feet beyond the toe of the foreslope. Additional Special Requirements may be stipulated under Paragraph 16, Special Requirements.

c. **Wastewater Utilities' Requirements**: Pressure sewer lines shall meet the same requirements as water mains. Gravity sewer lines and tile lines shall be cast iron pipe, ductile iron pipe or an approved extra strength pipe and need not be encased. Additional Special Requirements may be stipulated under Paragraph 16, Special Requirements.

d. **Energy, Power, Communications or Other Utilities' Requirements**: Special provisions pertaining to installation and maintenance of utilities conveying power, communication signals, gas (natural or artificial), oil, gasoline, motor fuel, inflammable substances, are stipulated under paragraph 16, Special Requirements.

9. The Applicant's utilities will be constructed in accordance with attached or referenced standards, and as approved by this Application, whether the utility crosses roads and drainage tiles, or generally follows the direction established by the road or drainage tiles.

10. This Permit is subject to any laws now in effect or any laws which may be hereinafter enacted.

11. This Application is subject to all the rules, policies and regulations of the Board of Supervisors and to revocation by the Board of Supervisors at any time, when in the judgment of the Board it is necessary for the improvement or maintenance of the road, or for other reasonable cause. In such event, the Applicant hereby agrees to modify or remove all of the Applicant's property from the said ROW without delay and without cost to the County.

12. At any time subsequent to original construction of the utilities, the Applicant will bear the expense of reinstallation, reconstruction, or encasement of the utilities as may become necessary to conform to new grades, alignment or widening ROW, resulting from the County's road construction or maintenance operations. If the County determines that a tile line or other appurtenance across or within the ROW needs to be constructed or maintained, irregardless of whether additional ROW is acquired in connection with such highway improvement, the Applicant shall bear the incremental costs incurred by the County for any extra work around the utility. The Applicant agrees to respond promptly on order by the Board of Supervisors, and without cost to the County. If the Applicant is unable to comply promptly, the Board of Supervisors may assess a monetary compensation for time lost by the County or the County's contractor.

The Board of Supervisors will endeavor to give the Applicant sufficient notice of any proposed construction or maintenance work by the County, on either existing or newly acquired ROW, which is likely to expose, cover up, or disturb any utility belonging to the Applicant, in order that the Applicant may arrange to move or protect the utility components.

13. The County assumes no responsibility for damages to the Applicant's property, or subsequent loss of service, occasioned by any construction or maintenance operations on said highways, including new or additional ROW acquired in connection therewith, subsequent to the building of said utilities. The Applicant agrees to hold the County harmless for any damages or loss of service.

14. The Applicant shall restore all drainage tiles broken or disturbed by the Applicant during construction or maintenance of utilities. Applicant shall be responsible, according to the laws of Iowa, to adjacent property owners for the destruction of their farm crops caused by acts of the Applicant in breaking drainage tiles.

15. The Applicant shall mark the location of all underground utilities at each road corner, and at each splice or connection between road intersections, which markings shall be at least every eighty (80) rods commencing at the intersection. These markings shall be above ground, permanent in nature, and in such a manner as to notify the neighboring land owners, construction employees and other persons of the locations of the underground utility. Utility appurtenances (e.g. pedestals, valves, transformers, etc.) which extend above the ground surface, and are at risk of being damaged by construction or maintenance shall be appropriately marked, even in the event of being obscured by vegetation or snow.

In addition to permanent markings cited above, the Applicant has the option to develop and use technology to locate underground utilities such as that used by Iowa One Call, such as a buried locator wire or strip of material detectable from the ground surface.

Information on utility location determined by a sub-meter accuracy GPS system, provided as a georeferenced layer in a geographic information system (GIS), in a format accepted by the County Engineer may be used to supplement location markings.

16. Special requirements, as stipulated below, or as attached hereto, are considered to be an integral part of this Permit:

_____

_____

_____

17. Upon completion of the project, the County Engineer's Office shall be contacted. Then the contractor's representative and a representative from the County Engineer's Office will check the project routes for clean-up and compliance with requirements of the Permit. All work in the road ROW shall meet with the approval of the County Engineer. The Applicant will be notified of project compliance or non-compliance, and will work in a timely and workmanlike manner to attain compliance.

The Applicant shall furnish construction plans of record ("as-builts") for all installations to the County within ninety (90) days after completion of the project. Said plans shall include a plan (and preferably a profile) including locations from adjacent civil monuments.

18. Non-compliance with any of the terms of Emmet County Policies, Permits, or Agreements may be considered cause for termination of operation, or revocation of this Permit. The cost of any work caused to be performed by the County in removal of non-complying construction will be assessed against the Applicant.

19. No work will be permitted in Emmet County unless the Applicant files a Certificate of Insurance, naming Emmet County Board of Supervisors as Certificate Holder. The Certificate of Insurance may be filed once, annually, for all projects in Emmet County, as long as the Certificate is current. Specifications for the minimum coverage of the insurance shall be the same as that stipulated by Section 1107.02 of the Iowa Department of Transportation Standard Specifications for Highway and Bridge Construction, Series 2012.

CERTIFICATION: The Applicant certifies that the above description of the utility is accurate and representative of the utility planned for the specified site(s). Significant deviations from the utility described herein may require further evaluation by the County Engineer and subsequent Approval by the Board of Supervisors.

_____

(Name of Company)

Address_____

_____

By_____
(Name) (Title)

Date_____

RECOMMENDATIONS:
Recommend Permit for Approval

By_____
(County Engineer)

Date_____

APPROVAL OF PERMIT BY BOARD OF SUPERVISORS:

By _____, Chairperson

Date _____

The Applicant shall send notice of date of construction and other communications to:

Emmet County Engineer
609 1st Avenue North, Suite 4
Estherville, Iowa 51334-2255
afisher@emmetcountyia.gov 712-362-4846 (v) 712-362-0112 (f)

16. Special requirements are categorized by the type of utility being constructed. Only those requirements that apply to the specific utility type for which Application is being made apply to this Application for Permit.

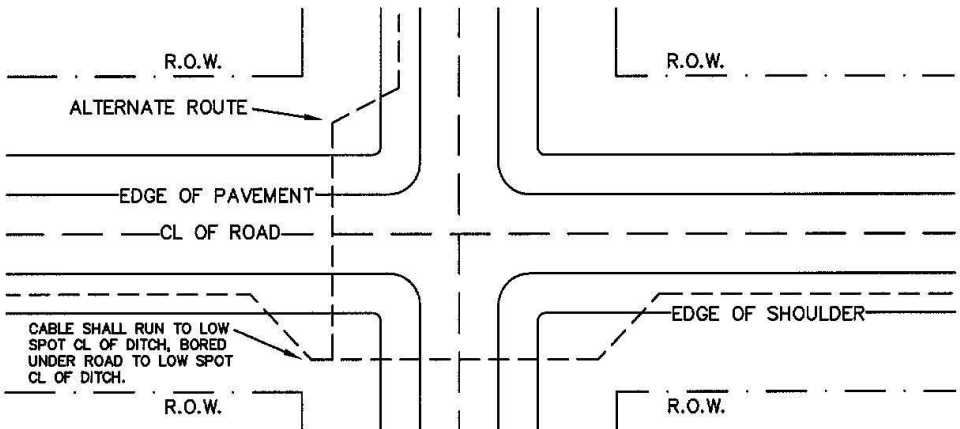
Power and Communications Utilities:

a. See attached drawings (Utility Permit, Section 16 Special Requirements, page 1, and page 2) for typical details.

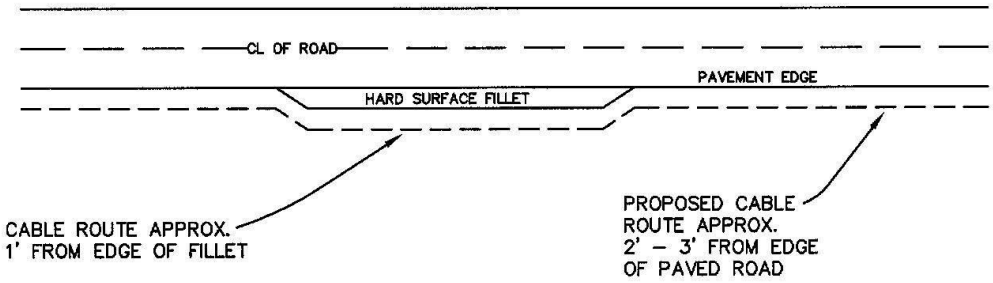
b. The alignment of a cable crossing a road shall be perpendicular to the road if at all possible. When changing cable direction at non-paved road intersections, the cable alignment shall be placed at a right angle to the previous direction as shown on Utility Permit, Section 16 Special Requirements, page 1. Placing cable diagonally through intersections or at other locations of the road will not be allowed.

c. All cable placed at cross road culverts shall be placed around the ends of the culvert as designated on Utility Permit, Section 16 Special Requirements, page 2. In instances that will not allow this placement, then the alternate would be sleeved cable (split pipe). All sleeved cable shall have a minimum sleeve length of fifty (50) feet and sleeves shall extend equally on both sides from the centerline of the culvert. The sleeved cable shall be a minimum of 2 feet above the top of the culvert. If the depth of the cable from ground surface is greater than 10 feet (top of culvert deeper than 12 feet), the minimum length of sleeve will be increased.

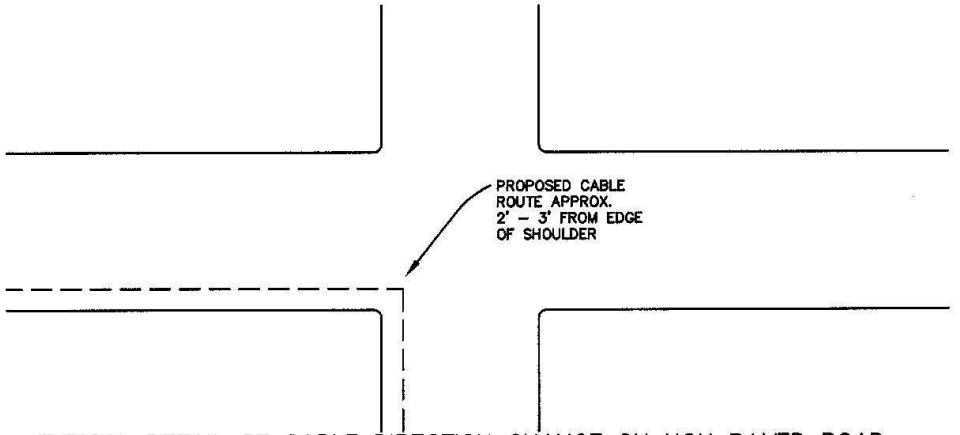
d. For utilities installation on the gravel traveled way or shoulder, Emmet County will tight blade the side of the gravel road on which the cable is to be placed. After the cable has been placed, Emmet County will then return the gravel back to the side that was tight bladed. **This does not relieve the Applicant from the responsibility to notify other utilities within area or route.**



TYPICAL DETAIL OF INSTALLATION AT PAVED ROAD INTERSECTION
NOT TO SCALE



TYPICAL DETAIL OF PAVED ROAD INTERSECTIONS,
DRIVEWAYS, FIELD ENTRANCES AND MAIL BOX TURNOUTS
NOT TO SCALE



TYPICAL DETAIL OF CABLE DIRECTION CHANGE ON NON PAVED ROAD
NOT TO SCALE

UTILITY PERMIT, SECTION 16
SPECIAL REQUIREMENTS

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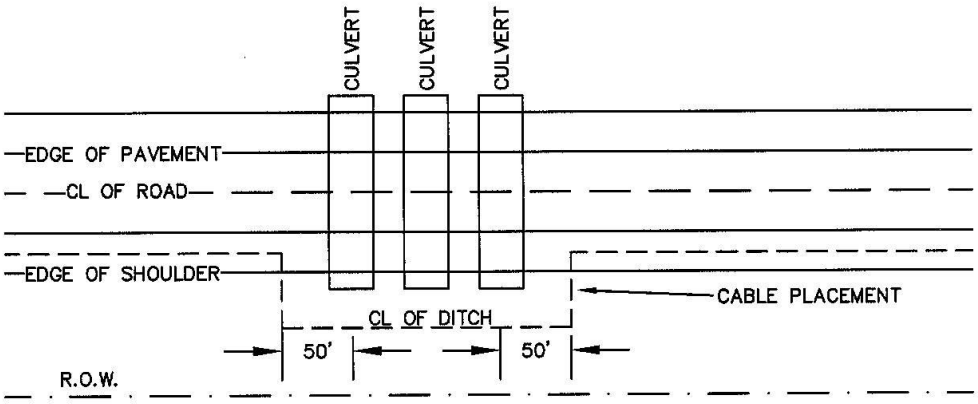
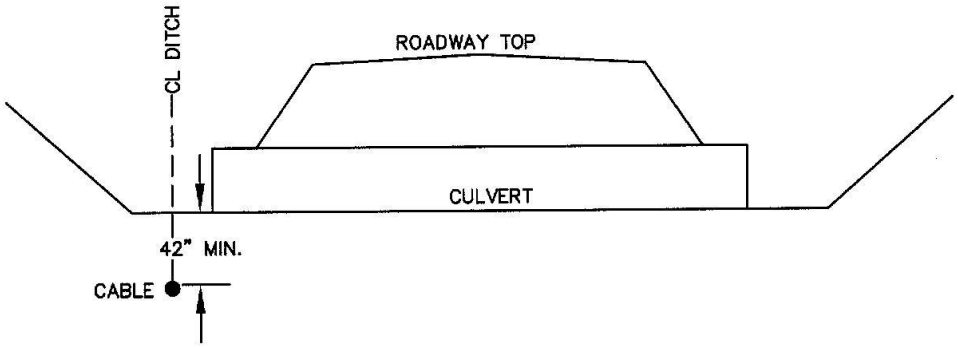


TYPICAL DETAIL OF THE PLACEMENT OF CABLE AROUND CULVERTS
NOT TO SCALE

* THE CABLE ALIGNMENT SHALL BE TURNED AS CLOSE TO NINETY (90) DEGREES AS POSSIBLE.

* AT SINGLE PIPE LOCATIONS, THE DISTANCE SHALL BE 50 FEET FROM EACH SIDE OF THE CENTERLINE OF PIPE AND PLACED AS CLOSE TO THE CENTERLINE OF THE DITCH AS PRACTICAL.

* ANYTIME THAT CABLE IS PLACED OVER CULVERTS, IT WILL BE REQUIRED TO BE ENCASED IN SPLIT PIPE OR EQUIVALENT TYPE PROTECTION WITH A MINIMUM OF TWO (2) FEET OF CLEARANCE BETWEEN THE TOP OF THE CULVERT AND THE CABLE.



CABLE SHALL BE 42" (MINIMUM) BELOW CULVERT FLOW LINE AT ALL CULVERTS WHERE CABLE IS PLACED AROUND THE END OF CULVERT.
NOT TO SCALE