

Excavation and/or Obstruction Permit and Agreement

COUNTY OF _____
DEPARTMENT OF HIGHWAYS
Address Line
City, State Zip Code
Phone: () _____ / Fax: () _____

Reference: Registration # _____
Project _____
C.S.A.H. _____
C.R. _____

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In accordance with the application herein, (excavation, obstruction) and subject to the extent the County has the right by law, rule, or regulation subject to the County's rights to said property and in accordance with the general conditions and "special provisions" of the application and the County Ordinance dated _____ to which the County and Applicant hereby agree a Utility Permit is hereby granted by the County of _____ to obstruct, excavate and thereafter maintain a _____ on or across, under, or along the right-of-way of a road under County jurisdiction in the location shown on the sketch in the application, as may be modified by the Director.

SPECIAL PROVISIONS:

Approved by _____
(Date)

By: _____

Permit No. _____
Certified Check No. _____
Surety Bond No. _____
Date of S. Bond or C. Check _____
Bank or Bonding Co. _____
Deposit Made by _____

COPIES:

APPLICATION AND AGREEMENT FOR EXCAVATION AND/OR OBSTRUCTION PERMIT ON ROAD UNDER COUNTY JURISDICTION

COUNTY OF _____
 DEPARTMENT OF HIGHWAYS
 Address Line
 City, State Zip Code
 Phone () _____ / Fax () _____

Board of Commissioners, _____, Minnesota
 Attn: Director

Application is hereby made for permission to place, excavate, or obstruct the right-of-way with a _____
 _____ (along or across) County Highway No. _____
 in accordance with the sketch attached hereto.

Attached Plan Submitted by (Utility Owner): _____ Joint Application by several utilities

| | | |
|-------------------|-----------|--------------|
| Registration No.: | Plan No.: | Project No.: |
|-------------------|-----------|--------------|

Applicant: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Contact Person: _____ Telephone No.: _____ Pager: _____

Signature: _____ Dated: _____

Contractor: _____ Registration No.: _____

Address: _____ Telephone: _____

City: _____ State: _____ Zip Code: _____

Contact Person: _____ Telephone No.: _____ Pager: _____

our Contact: _____ Telephone No.: _____ Pager: _____

CONSTRUCTION INFORMATION

TYPE OF UTILITY

Location: _____

From and To: (Address/Intersection) _____

| | | | | | |
|-----------|------------------|---------------|---------------|---------------|-------------|
| Gas _____ | Electrical _____ | Telecom _____ | Heating _____ | Cooling _____ | Cable _____ |
|-----------|------------------|---------------|---------------|---------------|-------------|

| | | | |
|---------------|-------------|-------------|--------------|
| Traffic _____ | Water _____ | Sewer _____ | Other: _____ |
|---------------|-------------|-------------|--------------|

PURPOSE OF CONSTRUCTION

| | | | |
|-----------|-------------------|--------------|--------------|
| New _____ | Replacement _____ | Repair _____ | Other: _____ |
|-----------|-------------------|--------------|--------------|

TYPE OF CONSTRUCTION

| | | | | | |
|--------------|------------|---------------|--------------|------------|-------------|
| Trench _____ | Hole _____ | Chamber _____ | Boring _____ | Pole _____ | Other _____ |
|--------------|------------|---------------|--------------|------------|-------------|

| | | | |
|-----------------------|---------------|--------------|--------------|
| Excavation Size _____ | Length: _____ | Width: _____ | Depth: _____ |
|-----------------------|---------------|--------------|--------------|

| | |
|--|-------|
| Total Linear Footage of Installation _____ | _____ |
|--|-------|

| | | | |
|---------------------------------|--------------------|--------------------|----------------|
| Portion of ROW being Used _____ | Driving Lane _____ | Parking Lane _____ | Sidewalk _____ |
|---------------------------------|--------------------|--------------------|----------------|

| | |
|-----------------|-------------|
| Boulevard _____ | Other _____ |
|-----------------|-------------|

| | |
|--------------------------------|----------------------------------|
| Inslope Ditch Backslope: _____ | Distance from Center Line: _____ |
|--------------------------------|----------------------------------|

CONSTRUCTION SCHEDULE

| | |
|------------------------------------|---------------------------|
| Number of Construction Days: _____ | Construction Dates: _____ |
|------------------------------------|---------------------------|

Weekend Dates: _____

After Hour Dates: _____

**Right-of-Way Permits on County
Right-of-Way are Subject to County
Ordinance and the following General
and Provisions**

**Definitions are the same as those in
the County Ordinance.**

1. Utility construction in the right-of-way under County jurisdiction is regulated by; local ordinance for the management of the public right-of-way for counties, state law, state rules, and federal regulations.
2. The applicant for a permit acknowledges these State laws, rules, and also the County ordinance, which is available at the County Engineer's office of the County and hereby agrees to conform to them as part of this Permit.
3. Registration and permits are required for utility companies and their contractors prior to the obstruction of the right-of-way, or excavation in the right-of-way.
4. Excavation Permits must be obtained before a person may excavate in a right-of-way.
5. Obstruction Permit must be obtained before a person can place any tangible object in the right-of-way.
6. Permit Applications and Permit approval shall only be made on the forms approved by the County.
7. A sketch shall accompany the permit application identifying the location and size of an excavation and type and location of any permanent obstruction above, below, or on the ground within the right-of-way.
8. The utility owner is responsible for assuring the area proposed for excavation is free of other obstructions and the installation is feasible in the location proposed. The County has no responsibility to assure feasibility of the proposed installation in the permit request.
9. Utility owners and contractors shall notify the Director of its intent to excavate or obstruct the right-of-way during maintenance operations except when an emergency exists that is dangerous to the life or safety of the public which would require immediate repair. The utility company shall provide for the safety of the highway user and notify the Director at the earliest possible time.
10. The utility company and it's contractor shall replace to the condition specified in the ordinance and State regulations any damage to the road surface shoulder or topsoil at no cost to the County and will repair the same as may be required by the Director.
11. The utility company and it's contractor shall assume all liability for their work and hold the County, its employees and agents, harmless from any and all claims for damage related to the installation, maintenance, relocation, or replacement and use of said utility facility.
12. Insurance is required and bonds required in accordance with the local ordinance.
13. Poles shall be placed outside the clear zone and relocated from time to time as may be needed for safety.
14. Installations above ground shall be located in the outer five feet of the right-of-way if required by the Director. At road crossings, poles shall be placed at a minimum of thirty feet from the shoulder lines of the roadbeds unless right-of-way widths are prohibitive to such location.
15. The location of all brace poles, anchors and anchor poles within the limits of the county highway right-of-way shall be outside the clear zone and approved by the Director.
16. All underground crossings of the roadbeds shall be made by boring or by jacking, unless this procedure is modified by the director. Open trenching shall normally 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.

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17. If at any time the 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, 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 30 days after written notice from the County Commissioners, or its authorized agent, to its last official registered address provided by the utility company, proceed to alter, change, relocate, 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 or other agencies. Such work shall be done without any cost whatsoever to the County and shall be completed within the date specified in said written notice. The Utility shall assume all liability and save the 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.
18. When pipes with bells or flanges shall be installed through it.
19. All voids caused by jacking or boring shall be filled by pressure grouting. The grout material 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.
20. The underground utilities shall be so installed to avoid necessity for disturbing the roadbeds to perform maintenance operations wherever possible.
21. Underground installations shall be accomplished without damaging or destroying the principal root structure of specimen trees or trees in yard areas.
22. As builts shall be submitted as required by the ordinance.

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LOCATION SKETCH

Show location of proposed facility in relation to the center line of the county highway and other pertinent features such as right-of-way line, shoulder line, curb line and edge of surfacing. The facility should also be referenced to adjacent land lines.

ADDITIONAL GENERAL PROVISIONS PER STATE LAW

A telecommunications right-of-way user that disturbs uncultivated sod in the excavation or obstruction of a public right-of-way shall plant grasses that are native to Minnesota, and wherever practicable, that are of the local eco-type, as part of the restoration required under this subdivision, unless the owner of real property over which the public right-of-way traverses objects. In restoring the right-of-way, the telecommunications right-of-way user shall consult with the Department of Natural Resources regarding the species of native grasses that conform to the requirements of this paragraph.

ADDITIONAL GENERAL PROVISIONS PER THE PUBLIC UTILITIES COMMISSION RULES

FACILITY INSTALLATION, CONSTRUCTION, LOCATION INSTALLATION OF TELECOMMUNICATIONS FACILITY

Subdivision 1. **Requirements.** The following requirements pertaining to telecommunications facility installation in a public right-of-way.

- A. During plowing or trenching of a facility, a warning tape must be placed at a depth of 12 to 18 inches above copper cables with over 200 pairs and above each fiber facility.
- B. A directional bore facility within the limits of a city must be placed in conduit below a concrete-or bituminous-paved road surface or conduit or armored cable in other locations. The conduit or armored cable

must be of a type determined by the telecommunications right-of-way user. The city may waive this provision if the right-of-way user agrees to additional marking of the facility. This provision does not apply to residential connections.

- C. A buried telecommunications facility must have a locating wire or conductive shield, except for dielectric cables.
- D. Unless the local government unit directs that no location markers be placed, a location marker must be placed at least every 1,300 feet, as well as at road crossings and at culverts. For areas outside of cities, unless the local government unit directs that no location markers be placed, the markers must be placed at least every 1,300 feet or within line sight, whichever is less, as well as at road crossings and at culverts.
- E. A buried fiber facility installed within the limits of a city must be placed in conduit of a type determined the telecommunications right-of-way user, unless this requirement is specifically waived by the city. A buried fiber facility beyond city limits must be placed by the telecommunications right-of-way user, in its discretion, using industry-acceptable standards.
- F. A buried facility, conditions permitting, must be placed at a minimum depth of 36 inches below the surface and at a maximum depth of 48 inches, unless otherwise altered by the local government unit on a case-by-case basis.
- G. In a city, urban town, urban county, or urban service area, conditions permitting, a copper facility buried below a concrete-or bituminous-paved road surface must be placed at a minimum depth of 36 inches below the road surface and a maximum of 48 inches, unless otherwise altered by the local government unit on a case by case basis. Any other copper facility in a city, urban town, urban county, or urban service area must be placed at a minimum depth of 30 inches below the

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surface and at a maximum depth of 48 inches, unless otherwise altered by the local government unit on a case-by-case basis.

- H. A copper facility in a public right-of-way not covered in Item G, conditions permitting, must be placed at a minimum depth of 30 inches below the surface and at a maximum depth of 48 inches, unless otherwise altered by the local government unit on a case-by-case basis.
- I. The placing of any telecommunications facility must comply with the National Electric Safety Code, as incorporated by reference in Minnesota Statutes, Section 326.243.
- J. For purposes of this part:
 - (1) an "urban town" is a town described in Minnesota Statutes, Section 368.01, Subdivision 1 of 1a,
 - (2) an "urban county" is Anoka, Carver, Dakota, Hennepin, Ramsey, St. Louis, Scott, or Washington County; and
 - (3) an "urban service area" is an unincorporated area within two miles of the corporate limits of a city, over which a joint planning board is authorized to exercise planning and land use control under Minnesota Statutes, Section 462.3585.

Subdivision 2. **Locating, marking, or exposing facility.** If a telecommunications facility owner is unable to locate its underground facility as required under Minnesota Statutes, Section 216D.04, it must expose the facility so that it can be located.

CONSTRUCTION AND LOCATION REQUIREMENTS

Subdivision 1. **Installation requirements for telecommunications facility.** The installation of a telecommunications facility in the right-of-way

must be done in conformance with Part 7819.5000.

Subdivision 2. **Installation requirements for gas or electric facility.** The installation requirements for an electric facility must comply with the construction standards established by the National Electric Safety Code as directed by the Minnesota Electrical Act, Minnesota Statutes, Sections 326.241 to 326.448, or any superseding authority. The installation requirements for a gas facility must comply with the construction standards established by Code of Federal Regulations, Title 47, Parts 191, 192, 193, and 199, as directed by Minnesota Statutes, Section 299F.57, or any superseding legal authority.

Subdivision 3. **Location of facility.** Placement of a facility in a particular location within the right-of-way must take into account the current and anticipated uses of the right-of-way and the distinct engineering, construction, operation, and maintenance characteristics of each type of use.

Subdivision 4. **Access to non-traveled portion of a right-of-way.** A local government unit shall not unreasonably prohibit the placement of a facility in the non-traveled portion of the right-of-way. The traveled portion of the right-of-way includes the shoulder of the road or highway.

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