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**SPECIFICATION FOR FACILITIES  
OR OPERATIONS UPON A PUBLIC ROAD**

**PLAN REQUIREMENTS**

**A) UTILITY CONSTRUCTION**

1. Two (2) sets of plans are required.
2. Plans shall state roads involved and give approximate dimensional location or provide staking of proposed facilities in relationship to centerline of road and edge of existing pavement.
3. Materials and sizes of facilities shall be stated on plans.
4. If other utilities or facilities may be in conflict with proposed project they shall be shown on the plans.
5. Traffic plan if required. (Minimum OSHA standards)

**B) ROAD CONSTRUCTION**

Comply with requirements in Columbia County Road Standards Document.

**LIABILITY AND CONTROL**

Applicant shall be responsible and liable for all damage or injury to any person or property resulting from the physical location, installation, construction, maintenance operation or use of the facility or operation for which the Applicant has been granted a permit. Applicant shall indemnify and hold harmless the County of Columbia, its officers, agents and employees against any and all damages, claims, demands, actions, causes of action, costs and expenses of whatsoever nature which they or any of them may sustain by reasons or acts, conduct, or operation of Applicant, its officers agents or employees in connection with locating the physical location, installation, construction, maintenance, repair, operation or use of said facility or in conducting an operation. The Applicant shall file with the Road Department evidence of insurance in the following minimum amounts:

- (a) \$50,000 to any claimant for any number of claims for damage to or destruction of property, including consequential damages, arising out of a single accident or occurrence.
- (b) \$100,000 to any claimant as general and special damages for all other

claims arising out of a single accident or occurrence unless those damages exceed \$100,000, in which case the claimant may recover additional special damages, but in no event shall the total award of special damages exceed \$100,000.

- (c) \$500,000 for any number of claims arising out of a single accident or occurrence.

The work area during any construction or maintenance performed under the permit provisions shall be protected in accordance with the current "Manual on Uniform Traffic Control Devices for Street and Highways" as amended or supplemented by the State Highway Commission. Necessary signs shall be furnished by the Applicant unless otherwise specified in the permit.

All signs, barricades, lights, cones and other such devices, and all flag-persons, pilot cars, pilot car operators and other such labor and equipment required for the safe directing and guiding of public traffic shall be provided, furnished and maintained by the Applicant. These protective and directional measures shall be undertaken beyond and outside the limits of the project, as well as within the project limits, when they have a direct bearing on or reference to the project.

During suspension of work, for any reason, the Applicant shall continue to be responsible for and shall maintain all temporary and protective and directional devices throughout the period of suspension in the same manner as when work is being performed.

Applicant is liable for any and all losses incurred due to deficiencies in traffic control or signing.

To insure compliance with the terms and conditions of the permit, the Road Department reserves the right to inspect the work during such periods as the Roadmaster deems necessary, to check compliance with the terms of the permit by Applicant and to require Applicant to correct all deviations from those terms and conditions.

Any supervision and/or control exercised by the Road Department personnel shall in no way relieve the Applicant of any duty or responsibility to the general public nor shall such supervision and/or control relieve Applicant from any liability for loss, damage or

injury to persons or property.

If the highway surface or highway facilities are damaged by the Applicant, Applicant shall replace or restore highway surface or highway facilities to a condition satisfactory to the Roadmaster, whether discovered at the time of installation or at a later date.

### **PERFORMANCE BOND**

The County may require a performance bond for completion of the work in accordance with the approved plans and specs in an amount up to 100% of the cost of construction.

### **CONSTRUCTION AND LOCATION**

Applicant or its contractor shall advise the Road Department office at 397-5090 at least 12 hours prior to commencing construction of a facility for which a permit has been issued.

Applicant's completed facility shall be in substantial conformance with the drawings or sketches required unless special permission is obtained from the Roadmaster to vary from same during installation. When such permission is obtained, Applicant shall furnish the Roadmaster a set of "as constructed" drawings or sketches detailing any such variances.

### **TRENCHES**

No trench shall be excavated with a top width in excess of eighteen (18) inches more than the outside diameter of the pipe, conduit or cable to be installed with our permission is first obtained from the Roadmaster.

Trenched edges in paved areas shall be sawed or cut to neat lines by methods satisfactory by the Roadmaster to a depth sufficient to permit removal of the pavement without damage to the pavement to be left in place.

The depth of the trench shall be such that the top of the pipe or cable or other facility shall not be less than twenty-four (24) inches lower than of ground cover or the adjoining road surface, whichever is lower. In addition, the side of the pipe or cable or other facility shall be buried at a lateral distance not less than twenty-four (24) inches from any vertical or sloping surface such as the side of a ditch or a bank. In cases where the ground material makes placement at twenty-four (24) inches at

depth impossible or impractical, the Roadmaster may approve adequate mechanical protection in lieu of such burial by such methods as are satisfactory to the Roadmaster. Any uneven ground surfaces adjacent to the trench shall be leveled off or the depth of the trench increased.

Maximum length of the open trench shall not be greater than 500 feet and no trench shall be left in an open condition overnight.

Excavated material shall be piled in a manner as to cause the least possible restriction to traffic.

Immediately after the facility authorized by the permit has been placed in the trench, the trench shall be backfilled. If the trench is in the roadbed (surface or shoulder) the trench must be backfilled with Controlled Density Fill (CDF), commonly designated as flowable fill.

Specifications are as follows:

- 1) Less than 300 psi in 28 days.
- 2) 10 psi required before opening to traffic.
- 3) Must be non-segregating which requires air entrainment less than 15%.
- 4) Slump less than 4 inches will require backhoe tamping or vibrator.
- 5) Accelerators recommended for high early strength to allow for traffic.

The surface material shall be asphalt concrete placed to a compacted thickness of four (4) inches or the thickness of the removed pavement, whichever is greater.

The surface grade of any trench shall not deviate from the existing grade by more than  $\frac{1}{2}$  inch nor shall it create any noticeable bump or otherwise objectionable ride for motorists.

#### **JACKING, DRIVING AND BORING (Move in front of trenching)**

Utility crossings under paved roadways shall be jacked, driven or bored where possible. When the jacking, driving or boring method is used it shall be by approved means which will hold disturbances of surrounding material to a minimum. Sluicing and jetting is not permitted. Void or displacement outside the outside perimeter of the pipe, conduit or cable where greater than 0.1, shall be filled with sand or cement grout packed in place.

### **PLOWING**

Unless special permission is first obtained from the Roadmaster, direct burial of cable placed by the plowing method shall be limited to areas outside the surfaced and shoulder portion of the roadway.

### **WATER LINES**

Water lines crossing public roads shall be encased in casing pipe. Casing pipe shall be constructed to prevent leakage throughout its entire length under the road surfacing. Casing shall be installed so as to prevent the formation of a waterway under the road grade. The casing shall be not less than ten (10) gauge welded steel pipe or approved PVC pressure pipe. The ends of the casing shall extend three (3) feet from each edge of the road surface.

### **CLEANUP**

All debris, refuse and waste of all kinds which may have accumulate upon the public road by reason of the activity of the Applicant shall be removed immediately upon completion of the said activity, or as require by the Roadmaster, and the said public road must be restored to a condition as good as better than it was prior to such activity.

The contractor shall at all times so conduct his or her work as to insure the least possible obstruction or hazard to traffic. The convenience of the general public and the residents along the highway and the protection of persons and property is of prime importance and shall be provided for by the Contractor in an adequate and satisfactory manner.

Construction equipment shall not be parked on the traveled way, shoulder area, narrow median areas, gore areas, sidewalk or other such areas of the highway or street open to public traffic except as necessary for the work. Equipment so parked shall be adequately protected. Construction materials shall not be stockpiled on the traveled way, shoulder area, gore areas, sidewalks or other such areas unless permitted by the Roadmaster for temporary storage and is adequately marked and protected. Other

locations within the project areas where parked equipment and stockpile material present a hazard to the public as determined by the Roadmaster shall be adequately protected by barrier or other means.

### **MAINTENANCE OF UTILITIES**

Permittee shall maintain at least a seven foot radius clear zone around any structure in the County right-of-way that is less than eight feet in height above the ground. Permittee shall not allow any vegetation to grow within the clear zone. If Permittee applies herbicides in the clear zone, Permittee shall comply with all Oregon laws, rules and regulations with respect to such application. Permittee shall immediately inform the County of the type of herbicides used as well as the amount used and date of application.

Permittee shall be liable for any and all damage to person or property or environmental liability caused by the application of herbicides. The County shall not be liable and Permittee shall indemnify and hold the County harmless from and against any damage to person or property, and any environmental liability cause by Permittee's failure to maintain the clear zone or caused by Permittee's maintenance of said clear zone, including the use and/or application of herbicides. If Permittee fails to maintain the clear zone, the County may maintain the clear zone and charge the Permittee costs to do so and the County may also immediately revoke this Permit. The County shall not be responsible for any damage done to Permittee's property during the County's maintenance of the clear zone. Permittee shall immediately reimburse the County for any and all damages suffered by the County while maintaining the clear zone, including costs to maintain the clear zone, and costs to repair ditches, road shoulders and County equipment."

### **REMOVAL, RELOCATION, REPAIR**

- A. If any person fails to place, build, construct, maintain or remove a ditch, structure, facility or utility in accordance with rules and regulations adopted pursuant to this ordinance and the conditions of any construction permit issued pursuant to this ordinance, the Columbia County Roadmaster may, after the expiration of 30 days following the transmittal of a written notice to such person, at the expense of such person, remove the ditch, structure, facility or utility from the right of way or reconstruct, repair or maintain the ditch, structure, facility or utility in accordance with or as required by such

rules and regulations and the conditions of the permit. This expense may be recovered from such person by the County in any court of competent jurisdiction.

- B. Notwithstanding subsection A of this section, if the Roadmaster or his designee determines that a traffic or pedestrian hazard is created by the ditch, structure, facility or utility which causes imminent danger of personal injury, he may:
- 1) Order the ditch, structure, facility or utility removed, repaired or maintained to eliminate the hazard, within 24 hours after delivery of written notice to the person who placed or constructed the ditch, structure, facility or utility, and to the owner of the property on which the non-compliance occurred.
  - 2) If the ditch, structure, facility or utility is not removed, repaired or maintained to eliminate the hazard within the time set under paragraph 1) of this subsection, eliminate the hazard and recover the expenses of any removal, repair or maintenance of the ditch, structure, facility or utility from any such person in any court of competent jurisdiction.

For a period of one (1) year following the completion of work, the Applicant shall be responsible for the condition of the road surface and shoulders where work was done. Upon the request of the Road master, the Applicant shall repair any patches which become settled, cracked, broken or otherwise faulty.

The permit is issued pursuant to the law of the State of Oregon which authorizes the County to subsequently require the Applicant to remove, relocate, or repair the facility covered by the permit at the sole cost of Applicant.

#### **WARRANTIES, OTHER AGENCIES**

The County does not warrant that it has title to the right of way subject to this permit or the process by which it obtained the right of way or granted this permit. The County conveys only such permission as it has right, title and legal authority to convey. Applicant waives any right to damages occasioned by the County having no, or lessor, rights to the right of way or the County having failed to properly grant or administer this permit.

The County does not warrant that the right of way subject to this permit is suitable for any particular purposes and Applicant accepts the same AS IS. Applicant represents that he has inspected the right of way and that he is relying solely upon his inspection, and not upon any representations of the County, in his planning and conduct of operations therein. The County shall not be obligated to repair or maintain the improvements constructed by Applicant and such responsibility shall be Applicant's alone, until such time as the improvements are accepted as a County Road as that term is defined by Oregon law.

Nothing in this permit is intended to grant rights or imply approval in areas not falling within the authority and jurisdiction of the Public Works Department. It is the responsibility of Applicant to determine the need for and to obtain such licenses, permits, or other forms of approval which may be required by other State agencies, federal agencies, cities and/or counties of Oregon, utility companies or railroads.

#### **COMPLIANCE**

If the Applicant is found to be out of compliance with any of these requirements or specifications, the Road master shall notify the Applicant and request the repairs to be made. If they are not made within the time requested or if an emergency exists, the Road master may restore or replace the highway facilities by contractor or County forces, and the costs incurred shall be paid by the Applicant. No additional permits shall be issued to the Applicant by any department of the County, including the Planning Department, Road Department, or other County Department or Agency until the repairs are made and/or paid for.

#### **SURVEY MONUMENTS**

Applicant shall comply with ORS 209.150 regarding the removal or disturbance of survey monuments. All survey monuments that are disturbed or removed shall be replaced by a registered surveyor.

#### **SEASONAL CONSIDERATIONS**

The Road master may refuse to issue any permit or suspend any permit previously issued when due to weather or ground conditions, or for other important reasons, in the sole discretion of the Road master.

#### **SEVERABILITY**



If, for any reason, any portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion of the ordinance shall be deemed a separate, distinct and independent portion and such holdings shall not affect the validity of the remaining portions hereof.

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