

Linn County Road Department

Right-of-way Encroachment Permit Standard Provisions

100 GENERAL

100.10 Scope

1. These provisions shall apply to and govern the location, installation, construction, maintenance, and use of public and private utilities, road approaches, signs, and other appurtenances located within Linn County road right-of-way by permit.
2. In the event of a conflict between these standard provisions and the specific provisions listed on an approved permit, the specific provisions on the permit shall take precedence.
3. Nothing in this permit is intended to grant rights or imply approval in areas not falling within the authority and jurisdiction of the County. It is the responsibility of Applicant to determine the need for and to obtain such licenses, permits or other form of approval which may be required by other state agencies, federal agencies, cities and/or counties of Oregon, utility companies, private land owners, or railroads.

100.20 Definition of Terms

1. "Applicant" means requestor of a right-of-way encroachment permit.
2. "Permitee" means a holder of a valid right-of-way encroachment permit.
3. "Permit" means the right granted to an Applicant to install a facility in the right-of-way.
4. "Commission" means the Linn County Board of Commissioners.
5. "County" means Linn County, political subdivision of the State of Oregon.
6. "Director" means the Director of the Linn County Road Department, Roadmaster, or designated representative.
7. "Facility" means the particular utility, improvement, appurtenance, or installation described in the permit application; or a utility, improvement, appurtenance, or installation installed previously by others.
8. "Right-of-way" means the entire width between the exterior right-of-way lines including all highway-related improvements.
9. "Highway" means county road or local access road.

100.30 Allocation of Costs

1. The entire costs of locating, constructing, installing, maintaining, repairing, operating or using the facility; or performing miscellaneous operations and any other expense whatsoever incidental to the facilities or operations authorized by the permit shall be paid by applicant unless otherwise noted.
2. Following notification in accordance with ORS 374.320, Applicant shall, in addition to No. 1 above, reimburse the County for any reasonable and necessary expenses that the County may incur in connection with and related solely to the installation of the facility or conducting the operation authorized by the permit if the applicant is found to be in violation of the terms and conditions of the permit. Payment shall be made within thirty (30) days after receipt of billing from the County.

100.40 Liability and Control

1. 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 Applicant has been granted a permit. Applicant shall indemnify and hold harmless the County, its Commission, and its officers and employees from all suits and actions; or claims of any character brought because of any injuries or damages received or sustained by any person or property on account of the operations of the Applicant, his contractors or employees of either; or on account of or in consequence of any neglect in safeguarding the work; or because of any act or omission, neglect or misconduct of the Applicant.

100.40 Liability and Control (continued)

2. Applicant shall be responsible for relocating or adjusting any other facilities located on highway right-of-way as required to accommodate the facility or operation applied for. Director may require Applicant to furnish evidence that satisfactory arrangements for said relocation or adjustment have been made with the owner of the affected other facility prior to construction of the facility or conducting of an operation by Applicant, its agents or employees.
3. The County, the Director, or employees shall not be responsible or liable for injury or damage that may occur to the facility covered by the permit by reason of normal County maintenance and construction operations, or resulting from normal motorist or road user operations, or County contractor or Permittee operations.
4. Applicant shall employ any and all methods in performing the operations authorized by the permit which the Director may require in order to properly protect the public from injury and the highway from damage.
5. If the highway surface or highway facilities are damaged by Applicant, Applicant shall replace or restore the highway or highway facilities to a condition satisfactory to the Director, whether discovered at the time of installation or at a later date. The Director, at his option, may have Applicant replace or restore the highway or highway facilities to a condition satisfactory to him, or the Director may replace or restore the highway or highway facilities by contractor or County forces and the costs incurred shall be paid by Applicant under the terms outlined in section 100.30 Allocation of Costs.
6. Applicant shall be responsible and liable for (1) investigating the presence or absence of any legally protected or regulated environmental resource(s) in the permit area and (2) determining all restrictions or requirements that relate to the proposed actions and (3) complying with all federal, state, and local laws, and obtaining all required permits and approvals.

100.50 Temporary Protection and Direction of Traffic

1. 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 and any modifications adopted by the Oregon Department of Transportation. Applicant shall furnish necessary signs and traffic control devices. Director may require additional information in the form of a traffic control plan.
2. Applicant shall not restrict the flow of traffic beyond one travel lane for a period greater than 10 minutes without prior approval from the Director. All road closures and detours must be approved in advance by the Director.
3. The stopping or parking of vehicles upon the County highway right-of-way for the servicing of such vehicles or the conducting of any business transaction or commercial activity upon County highway right-of-way is strictly prohibited.
4. Facilities shall be located where they do not create undue interference or hazard to the free movement of normal highway or pedestrian traffic, locations on sharp curves, steep grades, areas of restricted sight distance or at point which interfere with the placement and proper functioning of traffic control signs, signals, lighting or other devices that affect traffic operation will not be permitted.
5. Applicant shall be solely responsible for providing correct and complete information as may be required by the permit form or the Director. If the Director should determine that any fact required of Applicant which is material to the assessment of the facility or operation's impact upon traffic safety, convenience and/or the legal or property rights of any person (including the County) is false, incorrect or omitted, the Director may deny or revoke the permit and may require Applicant to remove the facility or terminate the operation and restore the facility area to a condition acceptable to the Director at Applicant's expense.

100.60 Inspection by County

1. To insure compliance with the terms and conditions of the permit, the County reserves the right to inspect the work during such periods as the Director deems necessary. Director may suspend work and/or require Applicant to correct all deviations from the approved permit. Cost of such inspection shall be paid by Applicant under the terms outlined in section 100.30 Allocation of Cost.
2. Any supervision and/or control exercised by County personnel shall in no way relieve Applicant of any duty or responsibility to the general public nor shall such suspension and/or control relieve Applicant from any liability for loss, damage or injury to persons or property as provided in paragraph one of section 100.40 Liability and Control.

100.70 Insurance and Bond

1. Applicant and its agents shall obtain and carry, for the period that the facility is being located, installed, constructed, or any operation conducted, including the repair and restoration of the highway facilities, and also during such future period of time when activities are performed involving the repair, relocation or removal of said facilities, a certificate of liability insurance providing coverage against any claim, demand, suit or action for property damage, personal injury or death resulting from any activities of Applicant, its officers, employees, agents or contractors. The certificate of liability insurance shall be for not less than \$1,000,000 and shall include "Linn County" named as a certificate holder. A copy of the certificate shall be submitted to the Director prior to the start of work authorized by the permit.
2. Director may require Applicant or its contractor to furnish for the period of time necessary to construct or install a facility, a bond or a cash deposit in an amount to be determined at the time a permit is issued. The bond must be written by a surety company duly qualified and licensed to do business in the State of Oregon and in a form satisfactory to the Director. No work shall be commenced under the permit until the said bond has been submitted to and approved by, or the said cash deposit has been received by the Director.
3. The requirements of this section are waived for access and utility installations by private individuals having an interest in property adjacent to the roadway unless otherwise indicated on the approved permit.

100.80 Construction

1. Applicant or its contractor shall advise the Director's office or other specified point of contact at least two business days in advance of commencing construction of a facility for which a permit has been issued.
2. Applicant shall submit, with the permit application, prints of adequate drawings or sketches showing in detail the location of the proposed facility or operation as described in the permit application with respect to existing and/or planned highway improvement, the traveled way, and the right-of-way lines.
 - a. When attachment to a highway structure is involved, details of the attachment shall be included.
 - b. Three sets of the drawings or sketches are required. Documents shall not be larger than 11" X 17".
3. Applicant's completed facility shall be in substantial conformance with the drawings or sketches referred to in No. 2 above unless special permission is obtained from the Director to vary from same during installation. When such permission is obtained, Applicant shall furnish the Director one set of "as constructed" drawings.
4. All work in connection with the facility or operation authorized by the permit shall be done in a neat and workmanlike manner to the satisfaction of the Director.
5. No trench shall be excavated with a top width in excess of twelve (12) inches unless permission is first obtained from the Director.
6. The backfilling of all trenches must be accomplished immediately after the facility authorized by the permit has been placed therein and must be properly compacted so as to allow the least possible amount of subsequent settlement.
7. All debris, refuse and waste of all kinds which may have accumulated upon the highway right-of-way by reason of the activity of Applicant shall be removed immediately upon completion of the said activity, and the said highway right-of-way, including pavements, bases, rock slopes, signs, fences, ditches, culverts, bridges, guardrail, guideposts, mailboxes, landscape, trees, shrubs and plants, must be restored to at least as good a condition as it was prior to such activity.
8. All construction work performed within the road right-of-way shall conform to the 2002 Oregon Department of Transportation "Standard Specifications for Highway Construction" unless otherwise directed on the approved permit or within these standard provisions.
9. Applicant shall be responsible for locating and protecting all existing survey monumentation within the work area in accordance with ORS 209.150 and 209.155. Applicant shall be responsible for all costs and coordination associated with reestablishing disturbed or destroyed survey monuments including the filing of a survey by a licensed professional land surveyor.

100.90 Effective Period of Permit

1. The permit shall be in effect for an indefinite period of time from and after the date issued, unless sooner revoked by mutual consent, or by the Commission or Director for failure of the Applicant to abide by the terms and conditions of the permit, or by operation of the law, or at the time the Applicant to which the permit is issued ceases operation.
2. Failure of Applicant to comply with any of the terms and conditions of the permit shall be sufficient cause for cancellation of the permit.
3. The permit and the privileges granted and the obligations of Applicant created thereby shall be binding upon the successors and assigns of Applicant. Applicant shall give the Director written notice of any such assignment or transfer within a reasonable time thereafter.
4. If the Applicant fails to complete installation of the facility covered by the permit within one year, the permit shall be deemed null and void and all privileges there under are forfeited, unless a written extension of time is obtained from the Director.
5. The construction, maintenance, operation and use of the facility is subject to the paramount control of the Commission and no right or privilege granted by this permit shall be deemed or construed to be beyond the power or authority of the Commission to control the County highway system. Applicant in accepting the permit acknowledges that the rights and privileges granted thereby may at any time be changed or abrogated by Commission action.

200 Public and Private Utility Installations**200.10 Design and Inspection**

1. County reserves the right to require that a utility permit application be accompanied by facility design drawings indicating review and approval (stamped) by a registered professional engineer licensed in the state of Oregon.
2. County reserves the right to require that a facility installed in accordance with a valid permit be certified correct by a registered professional engineer licensed in the state of Oregon.

200.20 Trenching and Backfilling

1. Unless special permission is first obtained from the Director to install a facility via open cut, all facilities which cross under the surfaced portion of the highway, including shoulders, road or street connections, and road approaches or driveways shall be jacked, pushed, or bored under the road surface at a depth specified in the permit in accordance with the following provisions:
 - a. Trenching in connection with any of these methods shall be outside the toe of the fill slope in fill sections or the point where the outer edges of the surfacing meets the subgrade in other sections.
 - b. 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 are not permitted. Voids or displacement outside the outside perimeter of the pipe, conduit or cable where greater than 0.1 foot, shall be filled with sand or cement grout and packed in place.
2. When special permission is granted to open cut the surfaced portion of the highway, the following provisions shall be adhered to:
 - a. The trench edges in paved areas shall be sawed to neat lines by methods satisfactory to the Director to a depth sufficient to permit removal of pavement without damage to pavement to be left in place. Pavement within the cutting limits together with all other excavated material shall be removed and disposed of outside the highway right-of-way.
 - b. In trenching across the highway, no more than one-half (1/2) of the traveled way is to be opened at one time. The opened half shall be completely backfilled before opening the other half.
 - c. Closure of intersecting streets, road approaches or other access points will not be permitted. Upon trenching across such facilities, steel running plates, planks or other satisfactory methods shall be used to accommodate traffic entering or leaving the highway or adjacent property.
 - d. Unless approved by the Director, no more than three hundred (300) feet of trench longitudinally along the highway shall be open at one time and no trench shall be left in an open condition overnight.
 - e. Immediately after the facility authorized by the permit has been placed in the trench, the trench shall be backfilled with compacted granular material or select soil backfill as indicated in the following:
 - i. Where original surface was asphalt concrete or bituminous treatment:
 1. Foundation material - Either 1"-0 or 3/4"-0 crushed aggregate placed and compacted to a thickness equal to the depth of excavation less the wearing surface thickness. Material shall be placed in six inch lifts when compacted by tamping or rolling or 12 inch lifts if compacted by vibratory backhoe attachment "hoe pack".
 2. Wearing surface - "B" or "C" mix asphalt concrete placed to a compacted thickness of 4" or the thickness of the removed pavement, whichever is greater.
 - ii. Where original surface was Portland cement concrete:
 1. Foundation material - Same as for asphalt concrete.
 2. Wearing surface - Portland cement concrete to a thickness of 6" or the thickness of then removed pavement, whichever is greater.

200.20 Trenching and Backfilling (continued)

- iii. Where original surface was crushed rock or gravel:
 1. Wearing surface and foundation material - Either 1"-0 or 3/4"-0 crushed aggregate placed and compacted to a thickness equal to the depth of excavation. Material shall be placed in six inch lifts when compacted by tamping or rolling or 12 inch lifts if compacted by vibratory backhoe attachment "hoe pack".
 - iv. Placement of all materials in subsection (a) - (e) of this section shall conform to the requirements of the current Oregon Department of Transportation Standard Specifications for Highway Construction.
 - f. For a period of one year following patching of the paved surface, Applicant shall be responsible for the condition of said pavement patches, and during that time shall, upon request from the Director, repair to the Director's satisfaction any of the said patches which become settled, cracked, broken or otherwise faulty.
3. Direct burial of cable placed by the plowing method shall be limited to areas outside the surfaced portion of the highway and all shoulders.

200.30 Above-Ground Appurtenances

1. Standard warning signs for buried communications cable shall be placed at each crossing under the highway and at intervals along longitudinal installations as required by current Public Utility Commissioner's Order or as specified by the Director:
 - a. Signs shall be placed as near the right-of-way line as practical.
 - b. Notwithstanding subsection (a) above, signs for an installation within the highway roadbed shall be placed behind any existing guardrail.
 - c. No signs shall be placed between a guardrail and the highway travel lanes.
2. Pedestals installed as part of a buried cable installation are to be located one foot from the right-of-way line unless special permission is obtained from the Director to locate elsewhere. In no case shall the pedestals be located within the highway maintenance operating area, including mowing operations, or nearer the pavement edge than any official highway sign in the same general location.
3. All facilities installed above-ground shall be designed and installed in such a manner as to minimize the potential injury to motorist in the event of a collision with the facility. Permittee shall certify that all above ground appurtenances are designed and installed in accordance with industry "best practices" and consistent with the current edition of the AASHTO Roadside Design Guide. Utility poles shall be located within one foot of the right-of-way unless otherwise approved by the Director.
4. Posts, bollards, or other barriers shall not be placed in the right-of-way without written approval of the Director.

200.40 Removal, Relocation and Repair

1. The permit is issued pursuant to the laws of the State of Oregon which authorize the Commission to require Applicant to remove, relocate, or repair the facility covered by the permit at the sole cost of the Applicant.
2. Upon receiving written notice from the Director to remove, relocate or repair the said facility, Applicant shall, within 30 days or within the time frame contained in the notice, provide to the Director, its estimated time requirements for accomplishing the directed action.
3. The Director, after Applicant has provided its estimated time requirements for removal, relocation or repair of said facility may schedule a pre-construction meeting with all applicants and affected contractors to coordinate the requested activity.
4. The Director in a second notice shall direct Applicant to complete the removal, relocation or repair of said facility within a specified time frame. The time frame outlined in the notice shall take into consideration the Applicant's estimated time requirements to accomplish the directed action. Such removal, relocation, or repair shall be at Applicant's sole cost in accordance with said second notice and instructions received from the Director. Before commencing said removal, relocation, or repair, Applicant shall furnish such insurance and post such bond as the Director may consider necessary at that time in the manner provided for in section 100.70 Insurance and Bond.

200.40 Removal, Relocation and Repair (continued)

5. Should applicant fail to remove, relocate or repair the facility as provided in section (4) above, the Director may remove, relocate or repair same and submit a statement of total costs for this work to Applicant. Applicant, upon receiving said statement, will immediately, or within a period of time agreed upon between Applicant and Director, pay to the County the full amount of said removal, relocation or repair costs.
6. If the section of highway in which Applicant is required by the Director to remove, relocate or repair a facility is or will be under construction or reconstruction or improvement under a contract entered into between the County and an independent contractor and Applicant's failure to remove, relocate or repair said facility within the time specified in No. 4 above, or such other time as may be specified by the Director, results in payment by County to its contractor of any claim for extra compensation for any work under said contract, Applicant shall be liable to the County for payment of the amount paid to County's contractor as a direct result of Applicant's failure to comply with the time requirements of the Director.

200.50 Maintenance and Operation

1. Applicant shall at all time keep facilities authorized by the permit in a good state of repair both structurally and, in the case of signs, clean and neat in appearance.
2. Applicant shall prevent above-ground facilities from being obscured by vegetation.
3. Prior to performing any maintenance work on the highway facility which will interfere with or interrupt traffic upon or along the highway, Applicant shall obtain prior approval from the Director.
4. All facility operators shall comply with OAR 952-001-0070 (marking of underground facilities).

300 Road Approaches and Driveway Accesses

300.10 Ditch Grading

1. Construct ditches in accordance with approved plans. Grade ditch to drain in same direction as historical flow and at approximately the same slope unless otherwise directed.
2. Runoff from project site may not exceed historic flow rates.
3. Utilize appropriate erosion protection.

300.20 Culvert Installation

1. Culvert installation shall conform to the following:
 - a. Culvert type, size, etc.
 - i. For new installations, culvert shall be of a material, diameter, and length specified on the approved permit.
 - ii. For extension of existing culverts, any additional length added shall match the existing culvert material type and diameter. Additional length shall be as specified on the approved permit.
 - iii. For other modifications see approved permit.
 - b. Bedding, Backfill, and compaction.
 - i. Area for culvert installation shall be prepared by excavating to a depth sufficient to allow for four inches of bedding aggregate and the thickness of the culvert wall.
 - ii. Culvert trench area shall be backfilled with 1"-0 or ¾"-0 crushed aggregate compacted in multiple lifts as necessary to prevent settlement.
 - iii. Culvert shall be installed so that the flow line of the pipe matches the flow line of the adjacent ditch. Culvert shall have a straight alignment and shall not have sags or rises in the flow line.
2. Manholes, inlets, cleanouts and other appurtenances shall be provided and installed as indicated on the approved permit.

300.30 Bridges and Minor Structures

Bridges and minor structures shall be designed and constructed in accordance with current AASHTO standards. Prior coordination and approval of detailed plans and specifications is required.

300.40 Approach and Access Paving

1. Road approaches for public streets shall be paved back a minimum of thirty (30) feet from the edge of the intersecting roadway unless otherwise specified.
2. Driveway access shall be paved back a minimum of ten (10) feet from the edge of the adjacent roadway unless otherwise specified.
3. Paving material shall be hot mix asphalt concrete for all portions located within the County road right-of-way unless otherwise specified on the approved permit.
4. Field approach accesses and driveway accesses adjacent to gravel roads do not require paving unless specified on the approved permit.

300.50 Inspection and Acceptance

1. Applicant shall call for inspection of culvert installations prior to covering or backfilling culvert.
2. Final inspection shall be requested when installation and surfacing are complete.
3. Applicant may be subject to additional fees if more than two inspections are required due to improper workmanship or failure to follow specifications.
4. County shall assume maintenance responsibility following final inspection and acceptance of completed work in the County right-of-way.

400 Road Improvement Permits**400.10 General**

1. Applicant is advised to coordinate road improvement proposal with the Director or his representative prior to submitting an application.
2. Applicant shall prepare plans and specification of sufficient detail to allow the Director or his representative to evaluate the proposed improvement and provide three (3) copies for review.
3. All work in the County right-of-way shall conform to the 2002 Oregon Department of Transportation Standard Highway Specifications unless modified by the approved permit.

500 Driveway Permits**500.10 General**

Applicant shall comply with LCC 935.200 and any special provisions included on the permit.

600 Sign Permits**600.10 General**

Applicant is advised to coordinate proposal with the Director or his representative prior to submitting an application.
(This section is under revision)

700 Stock Guard Permits**700.10 General**

Applicant is advised to coordinate proposal with the Director or his representative prior to submitting an application.
(This section is under revision)

800 Shelter Permits**800.10 General**

Applicant is advised to coordinate proposal with the Director or his representative prior to submitting an application.
(This section is under revision)

900 Landscaping Permits**900.10 General**

Applicant is advised to coordinate proposal with the Director or his representative prior to submitting an application.
(This section is under revision)