

WORK IN HIGHWAY RIGHT-OF-WAY POLICY CLEARWATER COUNTY

April, 2007

1.0 Purpose

The purpose of this policy is to control work conducted in Clearwater County highway right-of-way. This policy will address the use of Clearwater County highway right-of-way for the installation of utilities, the installation of driveway and field approaches, ditch cleaning, or other work that may alter the contour, drainage, or serviceability of the right-of-way.

County highway right-of-way was purchased with the main intent of constructing a highway to provide transportation to the traveling public and local residents. Minnesota statues allow the use of highway right-of-way for other purposes such as the installation of utilities and access to adjacent lands. The installation of utilities, driveway and field approaches, or other work in the right-of-way may create an unnecessary risk to the traveling public if the work is not completed in a manor consistent with the design of the roadway.

It is not the intent of this policy to restrict access to Clearwater County highways or stop the use of highway right-of-way for utility companies. The main purpose of this policy is to insure that work conducted in the County right-of-way is completed in a manor that is consistent with the design of the road.

2.0 General Condition

All work conducted within Clearwater County highway right-of-way shall be approved in advance and will be permitted through the office of the County Engineer.

Application for the installation of utilities shall be made with the County Highway Engineer on the "Application for Utility Permit on County Highway Right-Of-Way" form. Application for other work in the highway right-of-way such as the installation of driveway and field approaches, ditch cleaning, or other work that may alter the contour, drainage, or serviceability of the right-of-way shall be made on the "Application and Permit To Do Work Within County Highway Right-Of-Way" form.

The applications shall include a complete description of the work proposed and a sketch showing the location of the work, including the location of all aboveground and underground structures.

The State of Minnesota, Department of Transportation "Standard Specifications for Highway Construction" shall apply to all work in the right-of-way. Additionally, the work shall be completed to adhere to Clearwater County Highway Department road construction standards.

The State of Minnesota “Manual of Uniform Traffic Control Devices” shall apply to the control of traffic for all work in the right-of-way.

No obstacles that create a traffic hazard shall be constructed in the roadbed, shoulders, or recovery area of the highway. The distance that should be maintained as an obstacle free area for new construction is dependent on the Projected Average Daily Traffic (PADT) of a road. The clear zone shall be in accordance with Minnesota Rules Chapter 8820, or as follows, whichever is more stringent:

Clear Zone

<u>PADT</u>	<u>Distance from Road Centerline</u>
0-149	28
150-749	32
750-1499	38
1500 and over	42

All culvert and drainage modifications under the jurisdiction of a watershed district shall receive approval from the watershed district prior to making application to Clearwater County. An application form is available from the watershed district or the office of the County Engineer.

All culvert and drainage modifications that may have a potential impact to wetland under the jurisdiction of the Corps of Engineers, the MN Department of Natural Resources, or the Wetlands Conservation Act shall be permitted by those agencies prior to making application to Clearwater County.

The Landowner or Utility Company is responsible for obtaining all permits from other agencies including but not limited to U.S. Army Corps of Engineers, Minnesota Department of Natural Resources, and Wetland permits. If requested the Landowner or Utility Company must provide a copy of all permits to the County prior to start of work.

The Landowner or Utility Company shall restore all right-of-way and road surfacing conditions to the original state unless specifically stated otherwise in the special provision.

The Landowner or Utility Company is advised that any work within the right-of-way of a County road, conducted without approval of the Clearwater County Highway Department, is a violation of Minnesota Statute 160.27, which reads in part as follows:

“Subdivision 5 Misdemeanors. Except for the action of the road authorities, their agents, employees, contractors, and utilities in carrying out their duties imposed by law or contract, and except as herein provided, it shall be unlawful to:

1. Obstruct the highway;
2. Plow or perform any other detrimental operation within the road right-of-way except in the preparation of land for planting a perennial hay crop, and harvesting of said crop;
3. Erect a fence on the right-of-way of a trunk highway, County State Aid Highway or County road, except to erect a lane fence to the ends of a livestock pass;
4. Dig any holes in any highway;
5. Remove any earth, gravel, or rock from any highway;
6. Obstruct any ditch draining any highway or drain any noisome materials into any ditch”

The County Engineer shall have authority to approve all work in right-of-way permits on behalf of the County Board.

3.0 Utility Work

A performance deposit or bond may be required prior to issuance of the permit. The requirement of a Utility Company to provide a performance deposit or bond will be left up to the discretion of the County Engineer. A performance deposit or bond is not expected to be required of a Utility Company for routine installations from a reputable Utility Company. The amount if any of a performance deposit or bond will be specified by the County Engineer prior to the start of the work. The amount of the performance deposit or bond shall not be more than the amount necessary to cover potential damages. No interest will be earned or paid on any deposits.

As part of the permit application, a layout of the proposal shall be submitted to the County Engineer.

Upon due notice from the utility that all work has been completed, the County Engineer’s Office will make an inspection of the entire project. If any work is found unsatisfactory or incomplete, instructions for correction will be issued and another inspection will be made after receiving notice that the instructions have been carried out.

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 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 duly 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 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.

Utility lines shall be located to minimize the need for later adjustment to accommodate future highway improvements and to permit access for servicing such lines with minimum interference to highway traffic.

All pressure pipes carrying petroleum based or other hazardous gas or liquids shall have a minimum cover of 48 inches under roadbeds and 42 inches at all other points located within the road right-of-way. All other underground utilities shall have a minimum cover of 42 inches under the roadbed and 36 inches at all other points located within the road right-of-way.

All aboveground structures shall be located outside of the clear zone of the road as designated in Section 2.0. In addition, all aboveground or underground utilities should be located in the outer 10 feet of the right-of-way line on the back slope of the ditch or beyond. Other locations may be approved where particular circumstances warrants. The County has no objection to joint use of pole lines or of common trenching or plowing of the underground facilities. The installation should be so placed that all servicing may be done with the minimum of disturbance to traffic.

All utility crossings of the highway should be perpendicular to the highway alignment, where practicable.

All utility installations shall be in accordance with the laws and the standard acceptable specifications, codes, regulations, and practices for the particular industry, except for any "Special Provision" made by the County, which may be more stringent. The most stringent requirement shall apply.

The location of all brace poles, anchors and anchor poles within the limits of the County highway right-of-way shall be included on the sketch required in Section 2 of this policy.

Minimum legal vertical clearance of wires, cables and lines shall be strictly adhered to for telephone, electric, cable TV and any other overhead wire or cable. The minimum dimension shall be 21 feet unless otherwise stipulated in the special provisions.

Underground construction with open trenching, plowing, augering or boring and jacking shall be generally permitted on County highway right-of-way with the following instructions:

- A. All crossings of the blacktop roadbeds of the County highways shall be made by boring or by jacking, unless this procedure is modified in the Special Provisions of the Permit. Gravel roadbed crossings may be made by the direct bury method (plowing) provided that the roadbed is repaired to its original condition.
- B. All crossings shall have a minimum depth of cover of 42 inches.
- C. All crossings larger than four inches in diameter shall conform to the following requirements.
 - a. Crossings shall be made by boring inside a casing or by jacking. The auger shall not lead the casing 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.
 - b. When pipes with bells or flanges are installed, the crossings of the roadbeds of the County highways shall be made by boring inside a conduit or jacking a conduit of sufficient diameter to permit threading the carrier pipe through it.
 - c. All voids caused by jacking or boring shall be filled by pressure grouting. The grout material shall consist of sand-cement slurry of at least two sacks of cement per cubic yard and a minimum of water to assure satisfactory placement.
 - d. All pressure pipes six inches in diameter and larger carrying petroleum based or other hazardous gas or liquids shall have mechanical protection from right-of-way line to right-of-way line. The mechanical protection shall consist of 3 ½ inch thick concrete coating on the pipe, encased in a separate pipe, a 4-inch concrete pad placed above the pipe, or other method approved by the County Engineer.
 - e. Pipelines located in casings of utility tunnels must be designed to withstand the expected external and internal pressures to which they will be subjected and, where necessary, they shall be coated to resist corrosion. Carrier pipelines, which are uncased, shall be designed to withstand external loading as well.
 - f. Joints for carrier line pipes operating under pressure shall be of a leak proof type and must be able to withstand the internal pressure to which they will be subjected.
 - g. Gravity systems shall be encased when installed by jacking and/or boring unless the carrier pipe is of such size and material that it would normally be installed without a casing.
- D. Underground installations shall be accomplished without unnecessary damaging or destroying the principal root structure of adjacent trees.

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

4.0 Other Work in County Right-of-Way

A performance deposit of \$300 shall be made to the Clearwater County Highway Department by all Landowners wishing to conduct work in County Highway Right-Of-Way. A larger performance deposit or bond may be required if impacts to the roadway will affect bituminous surfaces or other county infrastructure. The performance deposit may be kept as damages if the County has to finish the work to meet County standards.

Work satisfactorily completed to specification in the county right-of-way shall be eligible for a refund of the deposit.

4.1 Driveway and Field Approaches

All new driveways or field approaches installed onto Clearwater County highways shall be approved in advance and will be permitted through the office of the County Engineer.

Entrances to roads create a conflict with roads designed to move a higher volume of traffic. These conflicts increase the chance for accidents. The level of conflicts increases with the volume of traffic and the number of entrances on the roads. Clearwater County roads are functionally classified as Collector roads and Local roads. Local roads are designed to provide direct access to properties at slower speeds. Collector roads link local roads to Arterial Highways like Trunk Highway 2. The Collector roads generally have the larger traffic volume and faster speeds. As travel demand increases, the importance of preserving the functional integrity of the roadway system becomes extremely important. Therefore, an acceptable location of an approach is a function of the road classification, spacing from other intersections, spacing from other approaches, sight distances, and grade with the road. Only approaches that meet design and access management guidelines as outlined in the Clearwater County Draft or Final Access Management Ordinance, as may be updated from time to time will be permitted.

The County will provide culvert materials (including delivery) up to a 36-inch diameter size for one approach with a 24 foot wide road top per parcel of land. More than one approach to a parcel or approaches requiring a single culvert larger than 36-inch diameter shall be paid solely by the Landowner. The Landowner shall install the approach at their cost. The Landowner shall only use culvert material approved by the County Engineer, used culverts will not be approved for any permanent installation. Landowners may purchase culvert material through the County for work within County right-of-way.

The approach shall be constructed in accordance with the Minnesota Standard Specifications for Construction and Clearwater County specifications and standards. The

attached MN/DOT Standard Plate No. 9000C as modified by Clearwater County provides a summary of the construction standards. The minimum standards for new approaches on County Roads are as follows:

- Top Width shall be a minimum of 24-feet and a maximum of 50-feet
- The slope shall be away from the road with a minimum of 0.5 foot drop at 15 feet from the shoulder of the road for driveways and field entrances
- The slope shall be away from the road with a minimum of 0.5 foot drop at 25 feet from the shoulder of the road for low volume roads
- Culverts should be placed outside the Clear Zone whenever possible
- Culverts should have aprons installed
- Culverts larger than 24-inch diameter placed within the Clear Zone shall be installed with 1:4 safety aprons and grate
- Slopes on the approach shall be 1:4 or flatter.

The permit shall provide any requirements for a culvert as far as length and diameter. This information will be determined by a site inspection. All culverts shall be required to meet MN/DOT standards and shall be installed with aprons.

All approach work shall meet MN/DOT standards for various entrances as provided with the permit application. Failure to meet these standards or those of the special provisions in the permit shall be grounds for the forfeit of the deposit as liquidated damages for the County to complete the work.

4.2 Ditch Cleaning and Miscellaneous Work in County Right-Of-Way

County road ditches are generally designed to maintain water off the road surface and not necessarily designed to drain adjacent lands. It is the policy of the County to not clean road ditches unless it is necessary to provide adequate drainage for the roadway. Landowners may obtain a permit to clean road ditches at their cost. The ditch may be cleaned to the originally constructed depth and side slopes. Modifications to the originally constructed ditch will require a plan and approval from the County Engineer and other agencies.

Effective Date of Policy: _____

Daniel S. Sauv , P.E. County Engineer

Date

Jon Nelson, Chairman
Clearwater County Board of Commissioners

Date

ATTACHMENTS

- Application for Utility Permit on County Highway Right-of-Way
- Application and Permit to do work within County Highway Right-of-Way