

## RIGHT OF WAY PERMIT PROCEDURE

### CHEROKEE COUNTY, ALABAMA

JULY 22, 2001

The following requirements shall be met by all public and private entities seeking to perform work on Cherokee County-maintained public rights-of-way(ROW). The intent of these requirements are to protect the public ROW from damage, ensure the safety of the public and adjacent landowners utilizing these ROW's, and assist those entities in legitimate need of utilization of the public ROW.

1. The County Engineer, or his representative, will administer the permit program for the Cherokee County Commission. However, for a regulated entity to cut entirely across a paved ROW, the Commissioner in whose district the road is located, must recommend and the County Commission must approve the request prior to the County Engineer issuing the a permit.
2. No work may commence until a duly issued permit has been issued by the Cherokee County Engineer.
3. Prior to obtaining a normal permit, the entity must present an application to the County. The application must include, at a minimum:
  - a. A description of the work, and location
  - b. A proposed schedule for performing the work
  - c. A list of proposed equipment to be used
  - d. Proposed best management practices, procedures and materials
  - e. Proposed procedures for returning the ROW to its original condition, as required by the County Engineer
  - f. A suitable materials and performance bond, based on the nature and extent of the work, to be held by the County for one year after completion of the work. This bond shall be either a cash or surety bond, in the amount necessary to return the ROW to its original condition by a third party contractor, on a per occurrence basis, to the Cherokee County Commission.
  - g. A signature of a responsible party, who shall be a manager level, or higher, individual in the entity.
  - h. A permit fee of \$100, payable to the Cherokee County Highway Department.
4. The County Engineer shall attach any permit conditions necessary to enforce the intent of these procedures.
5. The entity shall adhere to all local, state, and federal laws and regulations in effect during the performance of the work.

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6. The entity shall indemnify and hold harmless, the County from all claims or actions, due to the entity's work under the permit during the performance of the work and during the bonding period.
7. At any time during the work, the County Engineer may require the entity to cease work for non-conformance to the permit conditions and requirements.
8. Failure to conform to any of the requirements of this permit procedure shall subject the entity to a fine set by the County Commission for each separate violation. The fine shall be graduated based on the severity of the offense and history of similar offenses.
9. This permit program shall not apply to the normal operations of the Cherokee County Highway Department.
10. All service taps and emergency repairs shall be covered by a yearly blanket permit. Any tap requiring a pavement to be crossed shall have three attempts at boring. If the three attempts are unsuccessful, an individual permit and permission from the County Commission will be required prior to cutting the pavement. The required bond for blanket permits shall be a minimum of \$5,000, to the Cherokee County Commission, and based on a per crossing or per occurrence basis.
11. All new installations of water lines and repairs, extending the entire pavement width, shall be cased.
12. It shall be the sole responsibility of the regulated entity to do whatever research necessary to accurately determine right-of-way status and availability for proposed facilities as well as accurately demarcate right-of-way placement in the field.
13. All utility facilities placed on County rights-of-way under a County permit shall be relocated at the expense of the owner in the event of roadway improvements, including paving, resurfacing, drainage, or other work whereby the facility is deemed by the County to be in conflict with the improvements.
14. All new utility facilities shall be at least 18 inches below pavement and shall be at least 36 inches below final grade in ditches, shoulders and drainage back-slopes.
15. All proposed signs, flagmen, safety equipment, and procedures required by Part VI, Traffic Controls for Street and Highway Construction, Maintenance, Utility, and Emergency Operations of the Manual on Uniform Traffic Control Devices (MUTCD), latest Edition, shall be provided, installed, and maintained by the regulated entity during construction on the County right-of-way.

AMENDED AND APPROVED BY CHEROKEE COUNTY COMMISSION ON NOVEMBER 13, 2001