

**County of Watonwan
Department of Highways
APPLICATION FOR UTILTY PERMIT ON
COUNTY HIGHWAY RIGHT OF WAY**

Board of County Commissioners
Watonwan County, Minnesota
Attn: County Highway Engineer

Project _____
C.S.A.H _____
C.R. _____

Application is hereby made for permission to place, construct and thereafter maintain a _____
_____ along or across County Highway No. _____ from _____
_____ to _____
_____ feet from center line on the _____ (east, west, north or south) side of the county highway in
accordance with the sketch shown on the inside hereof, or attached thereto.

I. AERIAL CONSTRUCTION

- | | |
|--|---|
| <input type="checkbox"/> Single Pole | <input type="checkbox"/> Open Wire |
| <input type="checkbox"/> H-Frame | <input type="checkbox"/> Cable |
| <input type="checkbox"/> Single pole and H-Frame | <input type="checkbox"/> Vertical |
| <input type="checkbox"/> Steel tower | <input type="checkbox"/> Cross-arm |
| <input type="checkbox"/> Other _____ | <input type="checkbox"/> Vertical and cross-arm |

VOLTAGE	NUMBER OF CONDUCTORS	SIZE OF CONDUCTORS
---------	----------------------	--------------------

Minimum height of conductor: _____ ft. along highway _____ ft. at crossing over highway

EXTENT AND LOCATION OF TREE TRIMMING AND/OR CLEARING:

II. UNDERGROUND CONSTRUCTION

CONDUIT

- | | |
|--|---|
| <input type="checkbox"/> Multiple tile | <input type="checkbox"/> Sectional concrete |
| <input type="checkbox"/> Transite | <input type="checkbox"/> Steel Pipe |
| <input type="checkbox"/> Clay tile | <input type="checkbox"/> Other _____ |

CASING

- | | | |
|-------------------------------------|---|--------------------------------------|
| <input type="checkbox"/> Steel pipe | <input type="checkbox"/> Sectional concrete | <input type="checkbox"/> Other _____ |
|-------------------------------------|---|--------------------------------------|

SIZE	DEPTH (MIN. 48")
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VOLTAGE	NUMBER OF CONDUCTORS	SIZE OF CONDUCTORS
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METHOD OF INSTALLING UNDER ROADBEDS (if open trench, explain why necessary)

- | | | |
|--|---------------------------------|--|
| <input type="checkbox"/> Open trench _____ | <input type="checkbox"/> Boring | <input type="checkbox"/> Pneuma Gopher |
| <input type="checkbox"/> Jacking | | |

EXTENT AND LOCATION OF TREE CLEARING:	NEW FACILITY <input type="checkbox"/>	REPLACEMENT FACILITY <input type="checkbox"/>
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III. Work to start on or after _____ and to be completed on or before _____.

IV. The applicant in carrying on any and all of the work herein above mentioned or referred to in its application and in the Permit issued here fore, shall strictly conform to the terms of such Permit, and the regulations of the Board of County Commissioners, as set forth herein together with the Special Provisions, all of which are made a part hereof. The applicant specifically agrees to be bound hereby. The applicant shall also comply with the regulations of all other governmental agencies for the protection of the public. The work shall be accomplished in a manner that will not be detrimental to the highway and that will safeguard the public.

Dated this _____ day of _____, 20____.

Signature: _____

Name of Company making application
By _____

Address: _____ Email: _____

Rules and Regulations of Board of County Commissioners for Utilities on County Highways

DEFINITIONS

Utility. Under this order "utility" shall mean and include all privately, publicly or co-operatively owned communication lines and facilities, any systems, lines and facilities for the distribution and transmission of electrical energy, oil, gas, water, sewer, steam and other pipe lines, railways, ditches, flumes or other structures which under the laws of this State or the ordinance of any town or city may be constructed, placed or maintained across, along or on county highway right of way. Dependent upon the meaning intended in the context, "Utility" shall also mean the utility company, inclusive of any wholly owned subsidiary.

GENERAL

I. Except as otherwise permitted, utility construction and relocation on county highway right of way shall not be commenced until an application for a Permit has been made and such Permit granted. The Permit sketch shall show the location of the proposed utility with reference to county highway center line. A copy of the sketch shall be provided for each copy of such Permit.

II. Burning or disking operations and/or the use of chemicals to control or kill trees, brush and other vegetation is prohibited without prior approval from the County Highway Engineer.

III. All waterways and lines of drainage shall remain operative.

IV. Wherever topsoil and sod are disturbed they shall be replaced and maintained satisfactorily until the turf is established.

V. The utility facility and installation shall not interfere with any existing utility facilities on the county highway right of way.

VI. When necessary, barricades, warning devices and flagmen shall be provided by the Utility during all phases of their construction and maintenance operations on county highway right of way.

VII. At the time of construction of the utility and at the times of subsequent maintenance, prior approval shall be obtained from the County Highway Engineer for the cutting and trimming of trees within the county highway right of way. Whenever trees are cut the resulting stumps shall be removed unless otherwise provided in the Special Provisions of the Permit. Any holes caused by stump removal shall be backfilled, the area leveled and all materials associated therewith disposed of outside the county highway right of way. **The utility shall advise the County Highway Engineer at least 48 hours in advance of its intent to start clearing and grubbing operations so that proper supervision can be provided.**

VIII. The Utility shall notify the County Highway Engineer of its intent to perform service and maintenance operations which will interfere with the flow of traffic on county highways, and shall obtain his approval prior to performing such operations. However, the Company may perform service and maintenance operations on county highways including opening and disturbing the surface of the right of way without prior approval in those instances where an emergency exists that is dangerous to the life or safety of the public and which requires immediate repair. **The Utility shall take all necessary and reasonable safety measures to protect the traveling public and shall notify the County Highway Engineer at the earliest possible moment.**

X. The Utility shall assume all liability for, and save the County, its agents and employees, harmless from, any and all claims for damages, actions or causes of action arising out of the work to be done herein and the continuing uses by the Utility, including but not limited to the placing, constructing, reconstructing, maintaining and using of said utility under this application and Permit.

XI. The Board of County Commissioners may require the Utility, or its contractor, to furnish a deposit in the form of a certified check, a surety bond or corporate undertaking, in favor of the Board of County Commissioners of Watsonwan County, for any expense incurred by the County in the repairing of damage to any portion of the county highway right of way caused by work performed under a Permit, including any out of the ordinary engineering supervision and inspection expense provided by the county. In those instances, wherein a deposit is required, the amount of the deposit shall be specified in the special Provisions of the Permit. If a check is furnished, any monies remaining over and above such expense shall be returned to the applicant.

XII. The Permit as issued does not in any way imply an easement on private property.

XIII. The installations shall be made in conformity with all applicable laws, regulations and codes covering said installations. All installations shall be made in conformity with regulations of governmental agencies for the protection of the public.

XIV. Upon completion of an installation, the Utility shall restore the county highway right of way to its original condition. The Utility shall then notify the office of the County Highway Engineer of the completion of the work so that inspection can be made to determine its acceptability.

AERIAL

I. There shall be only a single pole line on the county highway right of way on either side of the center line thereof.

II. Longitudinal installations on county highways shall normally be located in the outer five feet of the right of way. At crossing of the county highway, poles shall be placed at a minimum of thirty feet from the shoulder lines of the through roadbeds unless right of way widths are prohibitive to such locations.

III. The location of all brace poles, anchors and anchor poles within the limits of the county highway right of way shall be approved by the County Highway Engineer.

IV. In those instances in which a Utility is issued a Permit or Permits for construction on both sides of the county highway right of way in a given area, such Permit is conditioned upon the Utility subsequently providing joint use to other Utilities upon reasonable terms mutually agreeable to the Utilities.

UNDERGROUND

I. All crossings of the roadbeds of the county highways shall be made by boring inside a casing or carrier pipe, or by jacking, unless this procedure is modified in the Special Provisions of the Permit. The auger shall not lead the casing or carrier pipe 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.

IX. If at any time Watonwan 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 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 Watonwan County and shall be completed within the date specified in said written notice. The Utility shall assume all liability and save Watonwan 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.

II. When pipes with bells or flanges are installed, the crossings of the roadbeds of the county highway shall be made by boring inside a conduit as provided in paragraph I of this section or jacking a conduit of sufficient diameter to permit threading the carrier pipe through it.

III. 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.

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

V. Underground installations shall be accomplished without damaging or destroying the principal root structure of specimen trees.

LOCATION SKETCH

Show location or 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.

Watonwan County
Department of Highways

Utility Permit

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

In accordance with the application herein, a Utility Permit is granted to _____
to place, construct and thereafter maintain _____
on or across, or under the right of way of County Highway No. _____ in the location shown on the sketch which is
a part of said application, or in such location as may be specified by the Department of Highways in the Special Provisions
hereof.

SPECIAL PROVISIONS:

SEE ATTACHED STANDARD CONDITIONS

For utility lines that are parallel to the roadway, Watonwan County will only allow utility placement in the back slope area
of the roadways at a minimum depth of 48 inches. Exceptions will need prior approval by the County Engineer.

Return to:
publicworks.permits@co.watonwan.mn.us

or

Watonwan County Public Works Department
1304 7th Avenue South
St. James, MN 56081

Ph: (507) 375-3393
Fax: (507) 375-1301

Approved _____
(date)

Board of County Commissioners

Watonwan County, Minnesota

By _____
County Highway Engineer

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

COPIES:

THIS PERMIT IS VALID FOR ONE YEAR FROM APPROVAL.

STANDARD CONDITIONS OF WORK IN COUNTY HIGHWAY RIGHT-OF-WAY

1. The permit holder must comply with all applicable laws and regulations, including Workers Compensation laws.
2. **The permit holder shall notify the County Highway Department (507-375-3393) at least 48 hours prior to the initiation of work within the county highway right-of-way.**
3. The permit holder is responsible for placing a **GOPHER STATE ONE CALL (811)** prior to any digging.
4. If work to be done lies within a city or platted town, permission must also be obtained from such city or town.
5. Where work on or near the traveled roadway is necessary, proper traffic signs, channelizing devices, warning lights, and barricades shall be erected to protect traffic, employees, and pedestrians. All traffic control devices and methods shall conform to the Minnesota Field Manual on Temporary Traffic Control Zone Layouts, Minnesota Manual on uniform Traffic Control Devices (MMUTCD), Minnesota Standard Sign Manual, and the appropriate provisions of Standard Specification 1710.
6. Unless adequately protected by a traffic barrier, there shall be no work within the clear zone, nor shall pipe materials, equipment or other objects be stored within the clear zone as determined by the Watonwan County and as defined by the latest edition of AASHTO's "Guide for Selecting Locations, and Designing Traffic Barriers".
7. Excavations must be cribbed when necessary, depending upon type of soil, in order to prevent cave-ins. All excavations, trenching and/or jacking and boring pits shall be shored or sloped in accordance with OSHA requirements.
8. No guys, stays, or any structures are to be attached to trees on county highway right of way. No poles, anchors, anchor braces, or other construction shall be placed on the roadway shoulder or within the prescribed clear zone.
9. Installation of pipe under concrete or bituminous pavements shall be done by jacking or boring or other approved methods.
10. When open trenching or excavating in existing roadways, all subgrade, base, and surfacing materials shall be replaced with the same type, depth, and density of materials which were removed.
11. All work that involves trenching, backfill, or compaction must be done to MnDOT's Standard Specifications for Construction. Depending on the construction work to be performed, use of one or more of the following specifications may be needed: Excavation and Embankment 2105, Aggregate Base 2211, Aggregate Shouldering 2221, or Structural Excavation and Backfills 2451, Subgrade Preparation 2112.
12. If pavement or roadway is inadvertently damaged by operations, same shall be restored to a condition as good as or better than the original condition. All pavements shall be replaced in accordance with applicable MnDOT specifications.
13. The permit holder is responsible for the complete restoration of the county right-or-way. This shall include excavation backfill, road patching, seeding, or anything else necessary to restore the area to pre-construction activities.
14. If settlement occurs or excavation caves in so that replaced materials settle (bituminous mat or concrete base), same shall be restored to a condition as good as or better than the original condition.
15. No lugs shall be used on equipment traversing the road which will damage the road surface.
16. No driving onto highway from ditch or driving on shoulders will be permitted where damage will occur.
17. No foreign material such as dirt, gravel, or bituminous shall be deposited or left on the road during any construction activities.
18. Roadside shall be cleaned to original status upon completion of work.
19. Underground construction must not harm or unnecessarily disturb the root growth of specimen trees.
20. Cutting and trimming of trees within the right of way and removal of resulting stumps require prior approval of the County Highway Maintenance Supervisor or his authorized representative.
21. If Watonwan County shall make any improvements or changes upon, over, under, or along the county highway, then and in every case, the applicant herein named shall, after notice from Watonwan County proceed to alter, change, vacate, or remove from county highway right of way said works necessary to conform with said changes without cost whatsoever to Watonwan County.
22. **After work on a project is completed, the permit holder must notify the County Highway Maintenance Supervisor or his authorized representative that such work has been completed and is ready for final inspection and acceptance by Watonwan County.**
23. The permittee is responsible for contacting all adjacent landowners for approximate location(s) of drainage tile and/or drainage appurtenance(s) within the County Highway right-of-way and shall take measures to avoid intersecting or damaging tile/drainage appurtenance(s). If tile and/or drainage appurtenance(s) are damaged, permittee shall take measures to restore tile/drainage appurtenance(s) to pre-damaged condition and **shall have the repair inspected by Watonwan County Maintenance Supervisor (Rick Bak 507-317-5586) before backfilling the repair.** If Watonwan County Personnel repair the damaged tile, Watonwan County will charge the permit holder for all costs associated with the repair.
24. **Manure pipe permits must be in accord with Chapter 168 of the 2016 Minnesota Session Laws, Subd. 12, 13, and 14 as attached.**

2016 Minnesota Session Laws

Key: (1) language to be deleted (2) new language

CHAPTER 168--S.F.No. 3368

An act relating to transportation; modifying permit requirements for temporary use of certain rights-of-way; amending Minnesota Statutes 2014, section 160.27, by adding subdivisions; Minnesota Statutes 2015 Supplement, section 160.27, subdivision 10.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2015 Supplement, section 160.27, subdivision 10, is amended to read:

Subd. 10. Department of Transportation temporary permit for field application. (a) In connection with the use of the road right-of-way of a road authority ~~controlled by the commissioner~~, excluding on controlled-access highways under section ~~160.08~~, a property owner or occupant of property abutting the road right-of-way may apply for a permit for temporary placement, for up to 14 days, of a pressurized flexible force main ~~for the~~ to transport of manure for field application.

(b) The property owner or occupant must:

(1) identify the entire length of the right-of-way for use under the permit;

(2) place the force main within the backslope of the road authority's right-of-way where possible;

(3) place pumping equipment outside the road authority's right-of-way; and

(4) meet all of the permit requirements identified by the road authority ~~commissioner~~.

(c) Once the road authority ~~commissioner~~ has issued a permit, the property owner or occupant may ~~install~~ place the force main over the length of the right-of-way from the permittee's property to where the manure will be applied, irrespective of whether the permittee is the owner or occupant of all property abutting the portion of the right-of-way where the force main is to be ~~installed~~ placed.

(d) The commissioner may restrict the number of force mains simultaneously located in the same right-of-way.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. Minnesota Statutes 2014, section 160.27, is amended by adding a subdivision to read:

Subd. 11. Local road authority temporary permit for certain field application. (a) A local road authority may, by ordinance, establish a permitting process to authorize the placement of pressurized flexible force main within right-of-way under the jurisdiction of the local road authority to transport manure for field application. A town board must be authorized to adopt the ordinance at an annual town meeting. A local road authority must not impose a fee or other charge for the permit. A permit issued under the ordinance is valid for one year or longer as specified by the local road authority.

(b) A local road authority that has adopted an ordinance providing for a permitting process must issue a permit to any property owner or occupant who applies for a permit if:

(1) the applicant submits a complete application at least five days prior to the day the applicant intends to place the force main within the identified right-of-way or a shorter time if approved by the road authority; and

(2) the requirements under subdivision 13 are met.

Sec. 3. Minnesota Statutes 2014, section 160.27, is amended by adding a subdivision to read:

Subd. 12. General authority for certain field application. When the local road authority has not adopted an ordinance establishing a permitting process under subdivision 11, an owner or occupant may place a pressurized flexible force main within right-of-way under the jurisdiction of the local road authority to transport manure for field application if:

(1) the local road authority has not notified the owner or occupant of scheduled road authority maintenance activities that would be unduly interfered with if the placement occurred during the maintenance activity; and

(2) the requirements under subdivision 13 are met.

Sec. 4. Minnesota Statutes 2014, section 160.27, is amended by adding a subdivision to read:

Subd. 13. General regulations regarding certain field application. The following requirements apply when a force main is placed in a road right-of-way under subdivision 11 or 12:

(1) the owner or occupant must provide, at least one business day prior to placement of the force main, written or electronic notice to the local road authority of the intent to place a force main within an identified right-of-way;

(2) unless specifically authorized, the force main must not be left in a right-of-way for more than 21 consecutive days;

(3) the owner or occupant must identify and notify the local road authority of the intended starting and end points, and the path of the intended placement;

(4) the owner or occupant must provide to the local road authority the intended starting and ending dates the force main will be placed in the right-of-way;

(5) unless otherwise instructed by the applicable local road authority, the owner or occupant must place the force main in the backslope of the right-of-way to the extent possible;

(6) unless specifically instructed otherwise, the owner or occupant must place all pumping equipment outside of the right-of-way;

(7) the identified right-of-way must not be a controlled-access highway under section 160.08;

(8) the owner or occupant must provide the local road authority (i) the owner or occupant's full name, address, and phone number where the owner or occupant can be reached during the time the force main is placed within the right-of-way, and (ii) any other contact information where the owner or occupant can be reached after the force main has been removed from the right-of-way;

(9) field application must be performed by the holder of a valid commercial animal waste technician applicator license under section 18C.430, including proof of financial responsibility;

(10) the force main placement must not unreasonably interfere with: (i) another landowner or occupant's access to the owner or occupant's property; (ii) the safe use of the right-of-way in which the force main is placed; (iii) the safe use of any driveway or private road that the force main crosses; or (iv) maintenance activities authorized by the local road authority;

(11) no prior notice under clause (1) or permit under subdivision 11 is required if the placement of the force main is necessary to prevent overflow of a manure lagoon or manure storage pond or to deal with emergency pumping activities created by flooding, natural disaster, or declared emergency. The owner or occupant must make a good faith effort to notify the local road authority of emergency placement and operation of a force main under this clause, and must remove the force main within three days following the end of the impending overflow, flood, natural disaster response, or declared emergency;

(12) the local road authority may remove or have removed, at the owner or occupant's expense, any force main remaining in a right-of-way beyond the number of days authorized under this section;

(13) the owner or occupant is responsible for restoring the right-of-way to the preplacement condition, including the immediate cleanup of any spillage or leakage of manure into the right-of-way; and

(14) a local road authority may, by ordinance, restrict the number of force mains simultaneously located in the same right-of-way.

Sec. 5. Minnesota Statutes 2014, section 160.27, is amended by adding a subdivision to read:

Subd. 14. Damage or spills; liability and immunity. (a) A commercial animal waste technician company licensed under section 18C.430 using a pressurized flexible force main for the transport of manure for field application under this section is liable for the costs of cleanup and repair for any spill or damage caused by a commercial animal waste technician applicator during the placement, use, or removal of the force main.

(b) Neither the commissioner nor any city, county, or town road authority is subject to any cause of action arising from the placement or operation of a pressurized flexible force main under this section.

APPLICATION. This section applies to causes of action arising after the effective date of this section.

Sec. 6. EFFECTIVE DATE. This act is effective the day following final enactment.

Presented to the governor May 24, 2016

Signed by the governor May 31, 2016, 10:13 a.m.

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