



JEFFERSON COUNTY PUBLIC WORKS
APPLICATION AND PERMIT TO USE RIGHT OF WAY

Mailing Address: P.O. Box 567, Rigby, ID 83442

Physical Address: 290 N 4000 E, Rigby ID

Ph (208) 754-9224, Fax (208) 745-9217

Permit Applicant: _____
Applicant Address: _____
Applicant Phone: _____
Contractor: _____
Contractor Address: _____
Contractor Phone: _____
Bond Verification: _____
Insurance Verification: _____

Type of Work: (Indicate One)

- ☐ Underground construction parallel to, but not in, pavement (\$50.00)
☐ Underground construction on a gravel road (\$50.00)
☐ Facilities in public right-of-way below pavement (\$1500.00)
☐ Boring or pushing under the roadway (\$100.00)
☐ Road Closure: ☐ Single Lane Closure (\$25/day) ☐ Full Road Closure (\$50/day)

Number of Days: _____

Total Closure Cost: _____

Location: _____

Start Date: _____ End Date: _____

Amount Paid: _____ Date Paid: _____

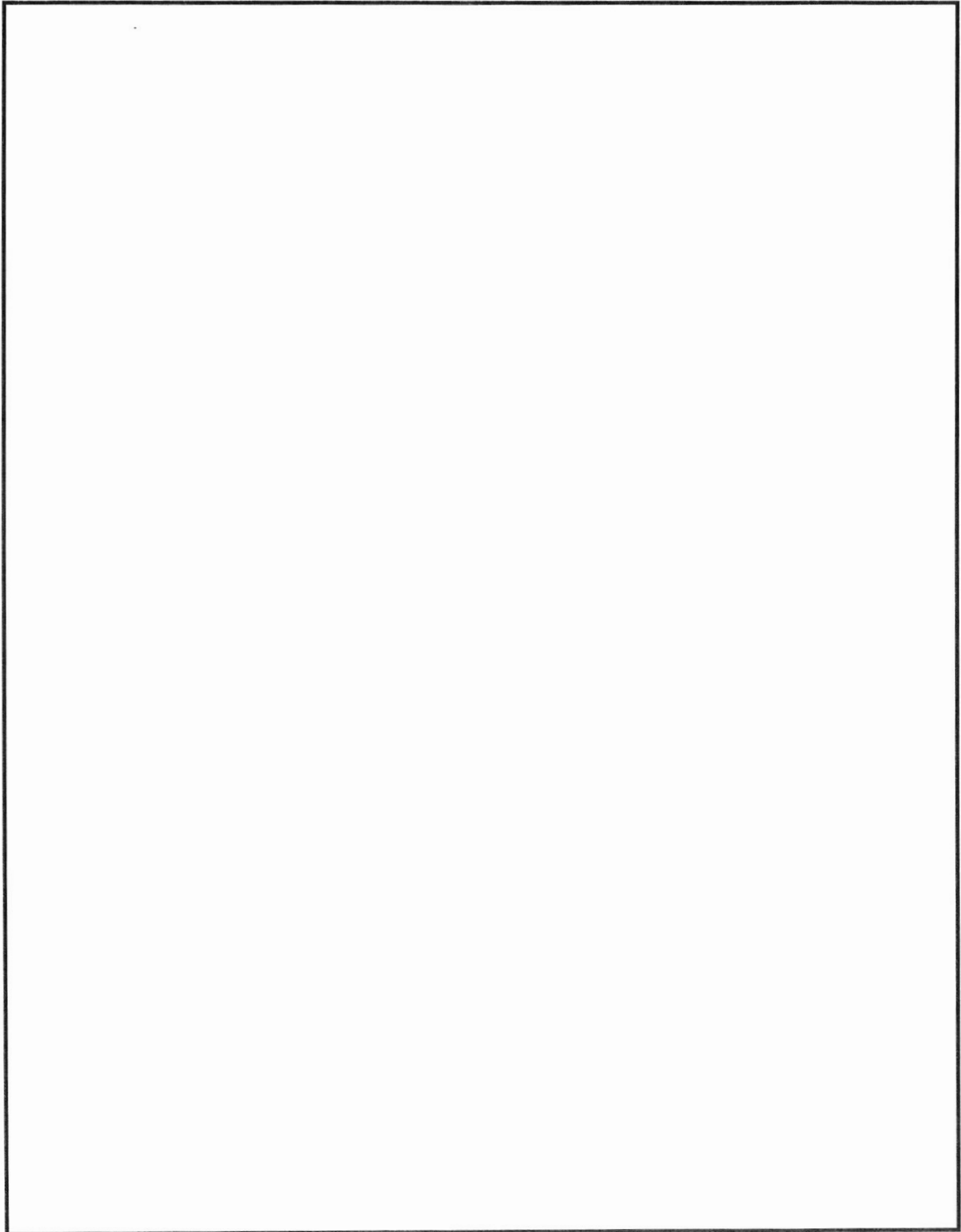
Check #: _____ Cash: _____

Approved By: _____ Date: _____

Jefferson County Road & Bridge

Inspected By: _____ Date: _____

Adequate drawings or sketches shall be included showing the proposed work to be conducted with respect to the existing and/or planned ROW, facilities, and access points.



GENERAL PROVISIONS

1. Payment is Non-Refundable and MUST accompany the permit.
2. **CALL DIG LINE 811** (Before any digging begins)
3. Provide a Certificate of Insurance for Liability before any work can begin.
4. Permittee shall give at least 24 hours advance notice prior to commencing initial work or any future work, which would restrict the flow of traffic.
 - a. Notify the following at least 24 hrs prior to beginning any work if there will be any road closures (Full/Partial):
 - i. SHERIFF DEPARTMENT
 - ii. FIRE DEPARTMENT
 - iii. SCHOOL DISTRICT.
5. During construction, barricades, lights, and other traffic control devices shall be erected and maintained for the protection of the traveling public. Said barricades, lights, and other traffic control devices shall conform to the current issue of the Manual on Uniform Traffic Control Devices for Streets and Highways.
6. In accepting this permit, the Permittee, its successors and assigns, agrees to hold Jefferson County harmless from any and all liability on account of the erection, installation, construction, maintenance, or operation of the facilities located under this permit.
7. Except as herein authorized, no excavation shall be made or obstacle placed within the roadway right of way of Jefferson County in such a manner as to interfere with the travel over said roadway. Adequate drawings or sketches shall be included showing the proposed work to be conducted with respect to the existing and/or planned ROW, facilities, and access points.
8. If the work done under this permit in any manner involves the disturbance of the traveled surface of the road and/or traffic control devices, said items shall be restored to the satisfaction of Jefferson County at the completion of the authorized work either by the Permittee or by Jefferson County at the Permittee's expense.
9. If the work done under this permit involves the disturbance of the traveled surface of the roadway or drainage of the roadway the Permittee shall contact the Jefferson County Public Works Department for final approval prior to any backfill procedures or reconstruction of said drainage areas are to be completed.
10. If the work done under this permit interferes in any way with the drainage of the County roadway, the Permittee shall wholly and at their own expense make such provisions to take care of said drainage as directed by the Jefferson County Public Works Department.
11. On completion of said work herein, all rubbish and debris encountered shall be immediately removed and the roadway and roadside shall be left neat and presentable to the satisfaction of Jefferson County.
12. All construction work herein shall be done to conform to current government and industry standards to the satisfaction of Jefferson County and the entire expense of said construction shall be borne by the Permittee.
13. The Jefferson County Public Works Department hereby reserves the right to order the change of location or the removal of any structure(s) or facility(ies) authorized by this permit, said change or removal is to be made at the sole expense of the Permittee, or its successors and assigns.
14. All such changes, reconstruction or relocation by the Permittee shall be done in such manner as will cause the least interference with the traveling public and/or County's work.
15. Natural material (rock, soil, etc) shall not be removed from the road right-of-way by permittee without permission by the County.
16. This permit or permission granted shall not be deemed or held to be an exclusive one and shall not prohibit the County from granting other permits or franchise rights of like or other nature to other public or private utilities, nor shall it prevent the County from using any of its roads, streets, or public places, or affect its right to full supervision and control over all or any part of them, none of which is hereby surrendered.

17. The Jefferson County Public Works Department may revoke, annul, change, amend, amplify, or terminate this permit or any of the conditions herein enumerated if Permittee fails to comply with any or all of its provisions, requirements, or regulations as herein set forth or through willful or unreasonable neglect, fails to heed or comply with notices given, or if the utility here granted is not installed or operated and maintained in conformity herewith.
18. Neither the acceptance of this permit nor anything herein contained shall be construed as a waiver by the Permittee of any rights given it by the Constitution or laws of the State of Idaho or of Jefferson County or of the United States.
19. Permittee guarantees all work associated with this permit for a period of one year from the date of final approval. If damage occurs within the right of way as a result of the work associated with this permit repairs shall be made by the Permittee as directed by the Jefferson County Public Works Department and all cost associated shall be at the Permittee's expense. Jefferson County reserves the right to require permittee to pay for an independent inspector for any repair work performed before or after the warranty period begins.
20. **Trench Maintenance** – Trenches shall be paved within 3 working days of the completion of the installation of the utility for which this permit is granted. Prior to paving, the Contractor shall check on and maintain all trenches at their sole expense (including weekends) a minimum of twice per day or upon the request of the County to ensure a smooth ride to the traveling public. Should the Contractor fail to maintain and/or complete the project, Jefferson County will complete the project and require Permittee to pay all costs associated there with.
21. **Maintenance of Traffic** – The Permittee shall keep the roadway open and maintained to traffic at all times. If trained flaggers are used, delays shall be minimized at all times. A complete Traffic control plan will need to be submitted (as required by the Manual of Uniform Traffic Control Devices) and approved by the Jefferson County Public Works Department.
22. **Road Closure** – If a road closure is required, contracting firm will notify the emergency dispatch office @ (208) 745-9210 and advertise said closure via radio, local newspaper, or radio a minimum of 24 hours before work will begin.

Road Closure Type	Cost Per Day		
	Local	Collector	Arterial
Lane Closures with Flaggers	\$25	\$40	\$50
Full Road Closure	\$50	\$75	\$100

23. **Failure to Obtain a Permit** – Should the facility owner fail to obtain and properly fill out a permit prior to working within the right-of-way, Jefferson County Public Works shall suspend the work until such time the permit is approved and possible fines are issued and paid. Failure to comply with the permit process may result in suspension from doing future work within the right-of-way.
 - a. Penalties are issued for working within the right-of-way without an approved permit or working before or after the permitted dates.

Penalty Type	Cost Per Day
Work in ROW before or after permit dates	\$500
Work in ROW with no permit	\$1000

24. The permittee is responsible for the replacement of survey monuments disturbed during construction as per Idaho Code Section 55-1613.
25. **Final Inspection** – An inspection by a Jefferson County Public Works representative may be required prior to backfill and after the re-surface procedure is complete.

ARTICLE II. - RIGHT-OF-WAY MANAGEMENT GENERALLY

Sec. 53-21. - Use of public right-of-way.

It shall be a violation of this article for any person to cut, tunnel under, make any opening in, disturb or place facilities in any public right-of-way accepted for maintenance by the county without first meeting the requirements of this article.

(Ord. No. 07-05, § 1, 7-23-2007)

Sec. 53-22. - Permit and notification requirements.

- (a) *Requirements for permit.* No permit shall be issued for any such cut, tunnel under, make any opening in, disturb or place facilities in any public right-of-way unless the applicant shall present with the application, or have on file with the county, a certificate of insurance, from an insurance company qualified to write contract within the state, certifying that the applicant has public liability insurance with limits not less than \$50,000.00 for property damage, not less than \$1,000,000.00 for property damage, and not less than \$1,000,000.00 per person and \$2,000,000 per occurrence for injury to the person, including, death, all permits of any permittee shall be revoked immediately upon cancellation or expiration of the insurance.
- (b) *Application for permit and notice of project.* Application for permit must be made with the planning and zoning office or road and bridge not more than 24 hours not less than two hours of the time when the excavation is to commence. Such request shall be made by tendering the following:
 - (1) Submission of an application on forms supplied by the county.
 - (2) Payment of the application fee.
 - (3) Surety bond or irrevocable letter of credit.
- (c) *Bonding.* Upon granting a petition filed under subsection (b) of this section for a permit to cut, disturb, make an opening in, tunnel under or place private facilities in a public right-of way, or application by a regulated or municipal utility for permission to post bond in lieu of payment of fees, the applicant shall purchase and tender the necessary bond as may be required by the county or this article. Non-utilities shall also execute a contract with the county relating to the use of public way by such applicant.
- (d) *Construction standards.*
 - (1) Any person, firm or corporation who cuts, disturbs, makes an opening in, tunnels under or places any facilities, public or private, in public rights-of-way shall conform to those reasonable construction standards applicable to public rights-of-way as may be adopted by

the county commissioners.

- (2) Unless special permission is first obtained from the road and bridge to open cut, pipeline or conduit which crosses under the surfaced portion of the highway, including shoulders, road or street connections, or road approaches or driveways shall either be tunneled, jacked or driven, or placed in a hole bored under the surface for that purpose in accordance with the following provisions:
 - a. Trenching in connection with any of these methods shall be no nearer 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 than two feet.
 - b. If the tunneling method is used it shall be by an approved method which supports the surrounding materials so as to caving or settlement. Areas around the installed pipe or conduit shall be backfilled with moist sand, granular material or cement grout filling all voids and packed in place with mechanical tampers or other approved devices. Lagging, bulkheading and timbering shall be removed as the backfilling progresses.
 - c. When the jacking or 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. Voids or displacement outside the outside perimeter of the pipe, conduit or cable, where greater than 0.1 foot, shall be filled in with sand or cement grout packed in place.
- (e) *Utility certification.* Any public or municipal utility may apply to the county for a certification, waiving the fees set out herein and providing that such utility may post a bond or an irrevocable letter of credit, on an annual basis, securing the duty of the utility to restore any public right-of-way which it may have disturbed under its statutory right to use the way. Granting any application by a public or municipal utility to post bond in lieu of payment of fees, as contemplated by the certification procedure, shall be discretionary with the county commission, is a privilege and not a right, and shall be based on the record of past performance of the applicant utility in repairing county rights-of-way.

(Ord. No. 07-05, § 2, 7-23-2007)

Sec. 53-23. - Fees.

- (a) Fees for the use of the county right-of-way, where required to be paid, shall be limited to the direct, actual and reasonably incurred cost incurred in managing the right-of-way. Such cost includes and is based upon:
 - (1) The cost of registering right-of-way occupants.
 - (2) The cost of inspection of right-of-way interruption and restoration.
 - (3)

The cost of restoration of right-of-way improperly restored after notice of such improper restoration.

(4) The cost of administering this article.

(b) Fees for the use of the right-of-way shall be as follows:

(1) Underground construction parallel to, but not in, pavement: \$50.00.

(2) Facilities in public way below pavement: \$1500.00.

(3) Boring or pushing under road way: \$100.00.

(Ord. No. 07-05, § 3, 7-23-2007)

Sec. 53-24. - Bond requirements.

(a) Unless specifically waived by the county, or as a part of the certification of a utility under section 53-22(e), each applicant who has been granted a permit shall be required, as condition of the permit, to tender to and keep in force during the life of any permit a performance bond, or irrevocable letter of credit drawn on an FDIC insured financial institution, acceptable to the county in an amount determined by the county commissioners as necessary to secure the obligations accepted by an applicant for a permit under this article. In the alternative, a utility or non-utility applicant shall submit a bond pursuant to the following bond schedule:

(1) Open road: \$5,000.00.

(2) Underground construction parallel to but not in pavement: \$500.00 per mile or fraction.

(3) Push or bore: \$1,000.00.

(4) A comprehensive bond covering all work on an annual basis: \$10,000.00.

(b) Contractors who intend to apply for multiple permits over the course of a year, or public utility companies posting bond in lieu of payment of the fees as contemplated in section 53-22(e), shall provide a bond or letter of credit payable to the county guaranteeing that the applicant or utility shall restore the public right-of-way, in the minimum sum of \$5,000.00, with the provisions of the bond or letter requiring that the bond or letter be irrevocable for a period of one year and requiring that the bond or letter is automatically renewable unless the bonding company or financial institution gives a minimum of 30 days' notice replaced by a new bond or letter of credit; such entity shall have no right to cut or use the public right-of-way until such bond or letter of credit is reestablished.

(Ord. No. 07-05, § 5, 7-23-2007)

Secs. 53-25—53-51. - Reserved.