

**POLICY: PERMIT REQUIREMENTS
FOR CONSTRUCTION WORK IN COUNTY RIGHT-OF-WAY**

Statement of purpose

Jefferson County regulates construction work in county road right-of-way by issuance of permits to ensure traffic safety, to ensure that any damage done to a county road is repaired and to indemnify the county from liability.

Statutory Requirements:

MCA 7-12-210 I; General powers relating to county roads. Each board of county commissioners may in its discretion do whatever may be necessary for the best interest of the county roads and the road districts.

MCA 7-14-2131. Reseeding of right-of-way. (1) Whenever the natural sod cover on right-of-way areas is disturbed by construction of county roads, irrigation ditches, drain ditches, or otherwise, the board of county commissioners shall require that such disturbed areas be seeded to an adaptable perennial grass or combination of perennial grasses and legumes. Every effort shall be made to establish a sod cover on the disturbed area. (2) All seed used shall meet certified standards. (3) Time and method of seeding, fertilizing practices, and grass species shall be those recommended the Montana Extension Service.

MCA 7-14-2139. Procedure to make excavations across county roadways. (1) (a) Any person contemplating the excavation or construction of any ditch, dike, flume, or canal across a public highway shall obtain a written permit from the board of county commissioners or road supervisor before beginning construction or excavation. (b) Any person obtaining said written permit shall bridge at once, in accordance with plans and specifications furnished by the board. (2) Any such bridge shall be maintained by the county.

MCA 7-14-2140. Prevention of water flow over roadway. Any person obtaining a construction permit or any person using the water of a ditch, dike, flume, or canal referred to in 7-14-2139 shall keep the same in repair where such water will not flow over, or in any way damage a public roadway.

MCA 7-14-2141. Liability for permitting water to overflow. (1) Each person who excavates or constructs or owns any ditch, dike, flume, pipe or canal, or stores, distributes, or uses water for any purpose and permits the water to flow over any public roadway to the injury thereof, upon notification by the board of county commissioners or road supervisor must repair the damages occasioned. If such repairs are not made within a reasonable time, the county must make them and recover the expense thereof in an action at law. (2) Every person constructing, owning, or using such ditch, dike, pipe or flume who permits and overflow is liable as provided in 45-8-111 (Public Nuisance)

Schedule A

APPROACH SPECIFICATIONS

1. All approaches will enter the county road with a negative degree of slope not more than three percent (3%) for a minimum of 25 feet back from the edge of roadway of the county road. Variances to be approved by the County Commission.
2. The finished approach surface will be at least 4 inches below existing County Road surface.
3. There will be a culvert no less than 15" in diameter properly placed and installed under the approach.
4. The driving surface of the approach will not be less than 12' or more than 24'.
5. The approach will have a 12' radius on both sides of the approach.
6. The approach must meet the county road at a ninety (90) degree angle.
7. Back slopes will not be more than 6% and the ditch inslopes will be no more than 3%.

JEFFERSON COUNTY
INSPECTION FEE

Effective Date April 15, 2003

RIGHT-OF-WAY PERMIT
CLASSIFICATION

MINIMUM
FEE

DRIVEWAY OR PRIVATE ROAD APPROACH:

New construction, expanded use, alteration of,
or relocation of an existing approach.

\$ 75.00 each

WORK IN RIGHT-OF-WAY:

All projects which involve work in the right-of-way
(ie. Trimming and removing trees, ditch repairs, etc.)

\$ 110.00 per mile

UTILITY SERVICE INSTALLATION AND MAINTENANCE

Utility service connections to existing facilities in right-of-way

\$ 110.00 each

Underground utility service installation and maintenance,
10 cents per foot up to 1 mile (5280 feet) and 5 cents per foot
in excess of 1 mile.

\$ 110.00 minimum

Utility pole installation or replacement per mile (5280 feet.)

\$ 110.00 minimum

All road crossings (bored, trenched, overhead, culverts and
cattle guards).

\$ 110.00 minimum

Private cable TV companies, oil & gas pipe lines, communication companies, water system, and public and/or private irrigation systems crossing or using public right-of-way will be treated under the same schedule of fees as utility service installation and maintenance.

All costs incurred by the Jefferson County Road Department or its representatives associated with the testing, inspection and correction of deficiencies will be charged to the responsible permittee.

Jefferson County reserves the right to require a performance bond securing the restoration of County facilities to assure compliance with right-of-way permit requirements.

Failure to obtain a permit prior to any construction will result in a two hundred dollar (\$200.00) late charge

JEFFERSON COUNTY

APPLICATION FOR AN ENCROACHMENT PERMIT

To be filled in by the applicant -Incomplete applications will not be processed.

Name: _____
Contact Person: _____
Address: _____ Phone: _____

Site Location -Exact distance and direction from the nearest County road intersection:

_____ Section _____ Township _____ Range _____

Nature of Construction Project (Attach drawings, plans/specifications):

Completion Date: _____

IN ORDER TO PROMOTE PUBLIC SAFETY AND PROTECT LIFE AND PROPERTY IT IS NECESSARY FOR EVERY PERSON, PARTY, OPERATION, BUSINESS OR UTILITY DESIRING TO PERFORM CONSTRUCTION WORK OF ANY NATURE IN ANY COUNTY ROAD, STREET, ALLEY OR THOROUGHFARE TO OBTAIN A WORK PERMIT PRIOR TO STARTING SUCH WORK AND POST BOND AS MAY BE REQUIRED INSURING PROPER COMPLETION OF THE PROJECT.

**FEDERAL LAW REQUIRES ALL PARTIES TO CONTACT "ONE CALL" BEFORE DIGGING
1-800-424-5555**

APPLICANT HEREBY AGREES TO THE FOLLOWING CONDITIONS:

- 1. To perform all work in compliance with Jefferson County Specifications, a copy of which is available at the County Road Dept.
- 2. To notify the County Road Dept. Office prior to starting any work within the County right-of-way covered by this permit.
- 3. Applicant will be responsible for any damage to other installations already in place before digging.
- 4. To provide proof of insurance, indemnify and save harmless Jefferson County, it's officers and employees, from responsibility, damage, or liability arising from the exercise of the privileges granted herein .
- 5. To meet all requirements for warning signs, traffic control and public safety (Manual on Uniform Traffic Control Devices).
- 6. Abide by Federal Law requirements to contact "One Call Hotline" before digging 1-800-424-5555.

IT IS FURTHER AGREED:

- 1. Applicant shall furnish bond as required based on the type and scope of work covered by this application for a one year period.
- 2. Above named applicant doing or authorizing said work will pay a fee as required, said fee to be retained by Jefferson County
- 3. Applicant shall not exceed or modify the scope of this project without prior approval form the County Road Dept. Office.
- 4. Applicants shall be responsible for their excavations, locations, placements of lines, poles, pipes, etc., within the public rights of way in accordance with Jefferson County Road Dept. standards.
- 5. When requested by the County Road Dept, due to public safety, county road maintenance, construction, or rebuilding, relocation shall be the responsibility of the owner of said facilities; all costs associated with any future relocation of any improvement constructed under this project permit shall be borne by the current owner(s) at the time of the requested relocation.
- 6. All work shall be inspected upon completion as arranged for by both parties, the Applicant and the County Road Dept. or his representative.
- 7. Permittee shall maintain, at its/his sole expense, the installation and/or structures for which this permit is granted, in a condition satisfactory to the County.
- 8. Should the work fail to meet standards, or if a defect in said work creates a situation affecting public health, welfare or safety, the applicant is solely responsible for correction of the deficiency. If applicant, upon notification by the County Road Dept. fails to correct said deficiency, the Jefferson County Road Dept. may make or authorize such repairs as necessary. All costs incurred in said repair shall be charged against the Applicant, the Applicants heirs, assigns, or his bond. Emergency situations, as determined by the Road Dept. Office, shall be corrected within 24 hours, all other situations shall be corrected within 30 days.
- 9. The applicant agrees to hold Jefferson County harmless for any damage to their facilities occurring during normal road maintenance operation now and in the future.
- 10. Nothing contained in this permit shall relieve Applicant of responsibility for the work performed under any permit granted.

The terms of this permit application are accepted and agreed to by:

Signature of Applicant (s) Date

Send the completed application form along with applicable fees, drawings, plans/specifications, proof of insurance, and bond to the address below.

**Jefferson County Road Department
111 Odyssey Lane
P O Box H
Boulder, MT 59632
Phone: 406-225-4170**

REVIEW OF APPLICATION FOR ENCROACHMENT PERMIT

To be filled in by Jefferson County Road Supervisor

ROUTE NO. _____
STATION (S) _____

COMPLETE APPLICATION RECIEVED? Yes _____ No _____
INSPECTION FEE PAID? Yes _____ No _____ Amount _____
PLANS/SPECIFICATION SUBMITTED? Yes _____ No _____
PROOF OF INSURANCE PROVIDED? Yes _____ No _____ Company _____
BOND PROVIDED? Yes _____ No _____ Amount _____

PRELIMINARY INSPECTION OF APPLICATION RECOMMENDED FOR:

APPROVAL _____ CONDITIONAL APPROVAL _____ DISAPPROVAL _____

County Road & Bridge Superintendent

Date

List conditions of approval or disapproval, if any:

DECISION ON APPLICATION FOR ENCROACHMENT PERMIT

To be filled in by Jefferson County Commissioners

The Board of County Commissioners of Jefferson County, Montana, do hereby:

APPROVE _____ CONDITIONAL APPROVAL _____ DISAPPROVE _____

the permit application for an Encroachment Permit.

Chairman, Board of County Commissioners

Date

ATTEST:

Clerk & Recorder

FINAL INSPECTION OF WORK COMPLETED

-To be filled in by Jefferson County Road Superintendent-

Inspected by _____

Inspection Date _____

Completed project: _____ meets requirements of the preliminary application
_____ does not meet approval for the following reasons _____

NOTICE: Approval of the foregoing application shall not grant authority to the permittee to burden or otherwise impair or infringe on any third party property interests which may exist or inure to the benefit of third parties relative to the county property or right-of-way which is referenced in this application. It shall be the responsibility of the permittee to ascertain all such property interests, if any, and to make suitable arrangements with all third parties whose property interests may be impaired by the construction work proposed in this application.

Routing

Initial Course of Action
_____ Application received with fees, application to Road & Bridge
_____ Road & Bridge preliminary inspection and recommendation to the Board of Commissioners
_____ Commission action – letter and copy of application to applicant advising action taken
_____ Road & Bridge final inspection and approval, application to Clerk & Recorder
_____ Clerk & Recorder – Record Document
_____ Clerk & Recorder – Copy of final recorded permit to applicant and Road/Bridge department

OFFICE USE ONLY