

**BOARD OF COUNTY COMMISSIONERS
OF
FRANKLIN COUNTY, KANSAS**

RESOLUTION NO. 13 - 28

**A RESOLUTION ADOPTING POLICY 13-01 FOR CONSTRUCTION REQUIREMENTS AND
PROCEDURES FOR INSTALLATION OF UTILITIES IN THE PUBLIC RIGHT OF WAY OF
FRANKLIN COUNTY, KANSAS**

WHEREAS, the Board of County Commissioners of Franklin County, Kansas, desires to revise their right of way management program; and,

WHEREAS, the Board of County Commissioners of Franklin County, Kansas, have considered a policy at their study session on May 6, 2013; and,

WHEREAS, the Policy for Construction Requirements and Procedures for Installation of Utilities in the Public Right of Way as attached to this resolution and number Policy 13-01 is ready for formal adoption.

IT IS HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, KANSAS, that the Policy for Construction Requirements and Procedures for Installation of Utilities in the Public Right of Way is incorporated by reference and policy number 13-01 is adopted by said Board.

Passed and adopted in regular session, this _____ day of May, 2013.

Steven W. Harris - Chairman

Attested and recorded this _____ day of May, 2013.

Janet Paddock, Franklin County Clerk

Policy for Construction Requirements and Procedures for Installation of Utilities in the Public Right-of-Way of Franklin County, Kansas

May 3, 2013

Policy No. 13-1, Resolution No. 13-28

General

Provisions and Specifications — These provisions and specifications shall be considered as forming an integral part of every permit issued for installation of utilities upon county road and street right-of-way and utility easements under County jurisdiction. The work authorized by any permit shall be done at such time and in such manner as shall be consistent with the safety of the public and shall conform to all requirements and standards of the County as herein specified. The work may be performed by the Utility Company or by a Contractor hired by the Utility Company but for simplicity either will be referred to in these construction requirements as "Contractor." If the County finds at any time, that the work is not being or has not been performed properly, the Contractor (upon being notified by the County) shall immediately stop any new installation, and take the necessary steps at Contractor's own expense, to place the previous work in condition to conform to said requirements or standards.

Plans — Plans for utility installations shall include a description of the size and type of line, the method of installation, and adequate drawings to indicate the location of the proposed facilities with respect to the right-of-way line and the edge of the road.

Opportunity to view — Prior to construction the County is to view and approve planned location of any vaults and splice facilities with any horizontal dimension exceeding 36 inches, and power pole lines after pole locations are staked.

Notification — The Contractor must notify the County at least one business day before starting construction and at completion of construction. Notification procedure is to phone and email the contact person indicated on the Utility Permit. If no answer, leave a voicemail message stating the utility company name, contractor name, location of work, contact person and call back phone number then follow up with an email with the same information. See the following sections on Road Closures, Backfill Requirements and Street Replacement for additional notification specifications for those items.

Permit on Job — A copy of the utility permit and these Construction Requirements shall be kept by the Contractor on the site of the work while it is in progress and shall be exhibited upon request made by any county official.

Revocation — In the event of willful failure or neglect by Contractor or its agents to perform and comply with these construction requirements, the County may revoke this permit and order Contractor to remove any and all facilities installed not in conformance with these construction requirements. In the event the Contractor leaves the right-of-way in a condition needing repair or construction, the County may repair such right-of-way and the costs of such repair shall be paid by the Contractor.

Conformity to Laws — The installation 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.

Existing Facilities — Contractor must protect all existing utility installations.

Easement — The issuance of a permit does not in any way imply an easement on public or private property.

Permanent Warning Signs — For a private utility line crossing the right-of-way, permanent warning signs shall be placed at the right-of-way lines unless the company is a member of the Kansas One Call system. The warning signs shall be placed as pipeline markers and include the name of the owner and emergency contact information.

Procedure — Contractor will coordinate closure with the County. Prior to closure the Contractor will have all traffic control and signing in place. Closure timing will allow for morning and school commutes. The road cannot be closed or open without the specific permission of the County. Permission to close the road will be based on having proper signing in place and equipment on the job to perform the planned work. Permission to open the road will be based on proper repair of the pavement and shoulder so the road can be safely open to traffic. Normally the County will have a representative on site at the time the road is closed and opened. It is important that the contractor keep the County informed of scheduling of backfilling and pavement repair to insure proper inspection and minimize the time the road is closed to traffic.

Notification - The Contractor will notify the County about road closures. The County will make the notifications of a closure and opening of the road to emergency services, school bus operators and others.

Traffic and Pedestrian Safety

Execution — Operations shall be so conducted at all times as to permit safe and reasonably free-moving travel over the roads and sidewalks within the limits of the work. If the County finds at any time, that proper signing is not in place, or that conditions may not permit safe travel through the work area, the Contractor (upon being notified by the County) shall immediately stop work, and take the necessary steps to correct any traffic safety concerns.

Signs — The Contractor shall provide all safety measures for the movement of traffic and pedestrians in compliance with the version current in Kansas of the Manual on Uniform Traffic Control Devices (MUTCD). These include all signs, warning devices, barricades, flaggers and equipment. Warning devices, signs, and barricades shall be kept clean and in good repair.

Flaggers — Flaggers will be required when one lane of traffic is closed or obstructed, except on local streets inside subdivisions.

Damage to Road — If signs, pavement or other facilities are damaged, and may be hazardous for traffic, the damage shall be immediately repaired by the Contractor.

Open Excavations — Open excavations shall be fenced if left unattended. Excavation near the roadway or sidewalks shall be cribbed or sheeted if necessary to prevent damage to the roadway or sidewalk.

Weather — Work shall be suspended during inclement driving weather such as ice, snow, rain or fog.

Operations

Wet Weather — No work, other than emergency work, will be permitted on rights-of-way when the soil condition is wet enough to cause rutting or other damage to the right of way.

Cutting Trees — The permit herein granted does not confer upon the Contractor the right to cut, remove, or destroy trees or shrubbery within the legal limits of the highway or relieve Contractor from obtaining any consent otherwise required from the owner of the property adjacent thereto.

Ditches - All ditches and drain lines shall remain open and operative.

Driving Limitations — No driving is allowed onto the road from a ditch, on earth shoulders, or over curbs where damage will occur.

Lugs on Equipment — No lugs shall be used on equipment traversing a paved road which may damage the road surface.

Clean-up — Street surface and roadside shall be kept clean, neat, and presentable throughout construction.

Storage — Generally, materials shall not be stored on the right-of-way. Materials shall not be stored within 10 ft of the edge of the road.

Parking — Equipment or vehicles when not in use shall not be parked on the roadway. Equipment shall not be parked at night on the right-of-way.

Location

General — The proposed facilities shall be located to the satisfaction of the County. To enhance traffic safety by providing the maximum clear zone available within the existing right-of-way, all utilities should be located as close as possible to the right-of-way line. On relocations for construction projects on the side of the road where a power pole line is planned, the parallel installation of buried utilities shall not be closer than 4 feet to the right-of-way line; at locations for above-ground facilities, the line would deflect to the right-of-way line so the above-ground facility could be placed at the right-of-way line. In subdivisions with platted utility easements, the facilities should be located in the utility easement if room is available. To allow room for all utilities, lines owned by the same utility company will not be allowed on both sides of the road, so if a line is upgraded the old line will have to be abandoned.

Above Ground — All above-ground facilities should be located as close as possible to the right-of-way line, and no facilities that extend more than 4 inches above the ground shall be placed within 10 feet of the edge of a road surface. Pedestals, poles, guys, anchors and other above-ground items shall not be located in a ditch, at drainage structure openings, or on the road shoulder, and shall be located to minimize interference with road maintenance operations. Overhead lines crossing the road shall be at least 18 feet above the road surface.

Bury Depths — In road and street right-of-way, Telephone Lines 36" deep in ditch bottoms or 24" on the back-slope or road, Gas lines, Oil Lines, Water Lines and Electric Lines 42" deep. In dedicated utility easements, all lines shall be placed according to utility standards.

Bridge Attachments — Bridge attachments are allowed as part of a normal utility permit for cable TV and telecommunications with casing less than 2 inches in diameter located on the outside of the handrail of concrete and steel bridges. All other bridge attachments will require a special permit with plans prepared by a professional engineer.

Boring — Installation of lines across paved roads and sidewalks shall be by boring or jacking. Boring by water jetting or puddling is not permitted. The top edge of the bore pit shall be located at least four feet from the edge of a gravel road or paved road. On paved roads with a shoulder, the top edge of the pit shall not encroach on the road shoulder. To prevent humping of the road or cracks in the pavement, the depth under the pavement for jacking and directional boring shall be 1 ft. for each inch of diameter of the jacking cone. In subdivisions where sidewalk will be constructed when the home is built, boring is required under the area where the sidewalk will be located. As an alternate to boring under the future sidewalk, use flowable fill in the future sidewalk area.

Backfill Requirements — Normal backfill requirements are compacted material removed from the trench. Failure to give adequate notice is basis for having the work rejected. In new subdivisions flowable fill is required under future pavement and sidewalks where the trench width exceeds 6 inches; for trenches less than 6 inches rock backfill is acceptable.

Sidewalk & Curb Replacement — Sidewalk and curb replacement shall be poured and finished to match existing sidewalk & curb. Remove walk and curb to the nearest joint. Concrete shall be 4,000 psi with air entrainment, cured with a spray-on curing compound, and protected from hot and cold weather for 7 days when necessary. Sidewalk shall not be less than 4 inches thick.

Street Replacement — Streets will be repaired in accordance with the standard street repair detail which is a part of these Model Construction Requirements. Notify the county of the schedule for paving to provide an opportunity by the County to inspect the repair while in progress. Failure to give adequate notice is basis for forfeiting any deposit as well as having the work rejected.

Cleanup and Restoration

Time — Immediately after completion of the installation of the facilities, the road and right-of-way shall be restored to a condition equal to that existing before commencement of the described work.

Methods — All materials and construction methods used to restore the pavement, base and subbase shall be equal to or better than that required by the current edition of the "Kansas Department of Transportation Standard Specifications for Road and Bridge Construction."

Ditches — Restore all ditches and slopes to the original configuration.

Yards Disturbed areas in yards shall be smoothed and hand raked. All areas shall be sodded except for trenches or plow marks less than 12 inches wide, which shall be seeded and mulched. Any landscaping items, shrubs, and trees destroyed or damaged by the work shall be replaced.

Seeding & Sodding — All disturbed grassed areas shall be seeded and mulched, or sodded. Areas shall be maintained until turf is established.

Settlement The Contractor shall be responsible for repairing any settlement resulting from this work.

Maintenance The Contractor shall replace and stabilize all earth cover and vegetation where it has eroded where such erosion or vegetation damage is caused by the placement or existence of the utility facility.

Final Inspection

To receive acceptance of the work authorized by a utility permit, completion of the work must be verified by a final inspection. It is the Contractor's responsibility to call for a final inspection. The Contractor will pothole buried lines at locations indicated by county inspector to verify that lines were buried as required in the permit. If work or restoration is found to be defective or insufficient the Contractor shall complete said work and call for a re-inspection.