

# County Public Right-of-Way Use for Utility Infrastructure Policy

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Bourbon County, Kansas

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## INTRODUCTION

The Board of County Commissioner of Bourbon County (“the Board”) has the power under Kansas Statutes Annotated 19-101a to regulate activities with the County Public right-of-way and to authorize and require permits and assess fees in connection with such regulation also including statute K.S.A. 17-1902(e) which prohibits the use or occupation not specific portion of the County Public right-of-way.

The Bourbon County Utility Installation Policy applies to the location, construction, maintenance, removal and relocation of all private, public and cooperatively owned utilities within the County Public right-of-way.

Utilities include lines, facilities, and systems for producing, transmitting or distributing communications, power, electricity, Cable TV, light, heat, gas, oil, crude products, water, steam, waste, and storm water.

No person, firm, corporation, association, utility, or entity, shall enter upon the County Public right-of-way, or in any manner establish a physical presence on, upon, in or over the County Public right-of-way for the purpose of constructing, maintaining or repairing utilities or related facilities or appurtenances, temporary, permanent, private or public thereto, without the written express permission of Bourbon County.

A permit allowing a Utility Company the privilege of placing its facilities in or on the County Public right-of-way does not constitute any permanent right of use. Removal, remodeling, maintenance or relocation of the facilities will be promptly accomplished by the owner at no cost to Bourbon County.

Utility Companies who utilize subcontractors are responsible for subcontractor compliance with Bourbon County Public Right-of-Way Use, Repair and Maintenance Policy and standards and permits issued pursuant to this Policy. Unsatisfactory work will be rejected and result in permit revocation and may result in denial of future permits.

Subcontractors must carry the required liability insurance as specified in the Bourbon County Public Right-of-Way Use, Repair and Maintenance Policy unless the subcontractor is covered by the Utility Company insurance.

Utility Company and all subcontractors shall follow industry accepted construction and safety practices and follow applicable statutes and regulation(s).

Periodic updates will be made to this Policy and permits and typical construction details included in this policy. The current version of the permits or details applies.

Non-compliance with any of the terms of this Utility Installation Policy or any permit or agreement issued pursuant to the Policy may be considered as cause for shut down of operations until compliance is assured to the satisfaction of Bourbon County or County’s Representative or revocation of the permit at the discretion of Bourbon County or County’s Representative. The cost of any work required by Bourbon County in the removal of non-complying construction will be assessed against the Utility Company or ROW Occupant.

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## PERMITS AND STANDARDS

It is unlawful for any person to make or to cause or permit to be made any installation or construction of a utility upon County Public right-of-way under County jurisdiction without first obtaining from Bourbon County a permit authorizing such construction.

The department shall issue a permit to construct utilities only if the applicant has the legal authority to occupy and use the County Public right-of-way for the purposes identified in the application for the permit.

No permit for maintenance shall be required when repair work within a County Public right-of-way is to be completed within a period of forty eight (48) hours. Also a permit is not required to install a street light, street tree, traffic sign, traffic signal, line markers and survey markers. Permit requirements pertaining to emergency construction are addressed in this section below.

Permits are required when utility facilities are installed, relocated, removed or maintained along, crossing over or under all County Public right-of-way. The Bourbon County Commission has delegated authority to the Bourbon County Road and Bridge Supervisor or County's Representative to approve and execute all Permits.

### APPLICATIONS

Applications for permits shall be submitted in format and manner specified by Bourbon County and shall contain the following:

- name, address, telephone, and facsimile number of the applicant of the facility to be installed, maintained, or repaired within the County Public right-of-way.
- description of the location, purpose, method of installation, and surface and subsurface area of the proposed construction.
- construction start date and end date or number of construction days.
- traffic control plan, if necessary.
- construction plans shall consist of three (3) sets of 8 ½" x 11" or 11" x 17" sheets; 24" x 36" sheets will only be accepted when smaller sheets would be illegible, that shall include a description of the proposed project, adequate drawings to indicate the location of the proposed utility with respect to the County Public right-of-way line and the edge of the road, noting all construction details such as depths, type of materials, operating pressures, voltages, vertical and horizontal clearances, etc.

Prior to construction, Bourbon County shall reserve the right to review all construction staking of the project in accordance with approved permits.

Permit application for pipelines carrying hazardous materials shall display the names of company officials who can be contacted on a 24-hour basis in case of an emergency. The Utility Company shall notify Bourbon County Road and Bridge Department of all changes in the calling list within seven (7) days of such change.

**Validity of Application and Permit** - A valid application shall consist of a complete application for permit, application fee, project time schedule, traffic control plan, project location maps and construction plans. A valid permit shall consist of an approved application for permit, permit fee, proof of insurance and updated project time schedule.

**Revocation of Permit** – In lieu of bond, Bourbon County may revoke the permit and remove any work performed for failure to complete a project as described in the Permit or failure to comply with this policy.

The Utility Company or ROW Occupant shall reimburse the County for any cost incurred by the County to restore the County Public right-of-way. The County will not authorize any other permit for the Utility Company or ROW Occupant until the Utility Company or ROW Occupant has either reimbursed Bourbon County or restored the right-of-way.

**Terms and Limitations** - The approved permit shall specify the location, extent, and method of construction, the start date and duration of the project, the Permittee to whom the permit is issued, and any conditions placed on the permit.

Changes in the scope of work for any issued permit by Bourbon County to a Utility Company or ROW Occupant will require prior review and approval by Bourbon County Road and Bridge Supervisor.

**Emergency Construction** - If there is an emergency necessitating response work or repair, the Utility Company or ROW Occupant which has been granted permission hereunder to occupy the County Public right-of-way may begin that repair or emergency response work or take any action required under the circumstances, provided that the Utility Company or ROW Occupant notifies Bourbon County Road and Bridge Supervisor no later than twenty-four (24) hours after beginning the work and timely thereafter meets any permit or other requirement had there not been such an emergency. Any damage to the County Public right-of-way will be restored in accordance with the Bourbon County Public Right-of-Way Use, Repair and Maintenance Policy and this policy. The Utility Company or ROW Occupant shall take all reasonable safety measures and temporary traffic control measures consistent with the "Manual of Uniform Traffic Control Devices" (MUTCD), U.S. Department of Transportation, FHWA, or the State of Kansas Traffic Control Standards or the State of Kansas Traffic Control Standards, to protect the traveling public during repairs and cooperate fully with local law enforcement.

**Final Inspection** – To receive acceptance of the work authorized by a permit, completion of the work must be verified with a final inspection by the Bourbon County Road and Bridge Supervisor or County's Representative. It is the Contractor's responsibility to call for a final inspection. If work or restoration is found to be defective or insufficient the Contractor shall complete said work and call for re-inspection.

## **ACTION ON APPLICATIONS FOR PERMITS TO CONSTRUCT**

**Notice of Approval of Application or Permit** - Bourbon County will return the Notice of Approval within fourteen (14) days of submission. Delivery of Notice of Approval does not constitute a permit without payment of permit fee.

**Notice of Incomplete Application or Permit** - If the application is deemed to be incomplete, Bourbon County shall promptly advise the applicant in a written, electronic, or facsimile communication of the reasons for rejecting the application as incomplete.

**Denial of Application or Permit** - Bourbon County hereby reserves the right to prohibit the use or occupation of specific portions and/or all of the County Public right-of-way. If the County denies a request to use or occupy a specific portion and/or all of the County Public right-of-way, the applicant shall be served a notice of such denial by first class mail. The notice shall indicate that the applicant shall have ten (10) days from the date of receipt of the notice to request a public hearing. Failure to do so shall constitute a waiver of the person's right to contest the denial before the governing body. The hearing shall be held by the governing body within thirty (30) days after the filing of the request therefore, and the applicant shall be advised by Bourbon County of the time and place of the hearing. Following the public hearing, if the County governing body denies an applicant's request to use or occupy a specific portion and/or all of the County Public right-of-way such determination may be appealed to the district court.



**Duration of Application and Permit** - Applications for utility and all other infrastructure projects shall be valid for three (3) months from Application Received Date. Permits for utility and all other infrastructure projects shall be valid for six (6) months from the Notice of Approval Date. Applications for transmission pipeline and access entrances shall be valid for twelve (12) months from Application Received Date. Permits for transmission pipeline and access entrances permits shall be valid for eighteen (18) months from the Notice of Approval Date.

**Notice of Construction** - The Contractor or ROW Occupant must notify the Bourbon County Road and Bridge Supervisor of a proposed construction start date two (2) weeks before commencement of work and one (1) day before work is initiated and again at the completion of all work. Notification procedure is to phone and email the contact person indicated on the Permit. If no answer, leave a voicemail message stating the utility company name, contractor name, location of work, contact person, permit number and call back phone number then follow up with an email with the same information. All work shall be completed with the designated construction time indicated on the agreements and permits.

**Non-Transferability of Permits** - Permits are not transferable from owner to owner.

**Permit to be Available at Project Site** - The permit or a copy of the permit shall be available for review at the project site for the duration of the project and shall be shown, upon request, to any law enforcement officer or any employee of a Bourbon County agency, board, commission, or department with jurisdictional responsibility' over activities in the County Public right-of-way.

## **PAYMENT AND FEE SCHEDULE**

**Application Fee** - Each applicant shall pay to Bourbon County Road and Bridge Department an application fee for each application for permit submitted by applicant in accordance with the Bourbon County Permit Fee Schedule.

All application fees are non-refundable.

All application fees are to be submitted with the application to the Bourbon County Road and Bridge Department.

**Permit Fee** - Each applicant shall pay to Bourbon County a permit fee for each approved permit submitted by applicant in accordance with the Bourbon County Permit Fee Schedule.

All permit fees are non-refundable.

All permit fees shall be submitted fourteen (14) days prior to commencement of work.

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## UTILITY INSTALLATION STANDARDS

**Kansas One - Call** - In accordance with Kansas Statute Chapter 66: Public Utilities, Article 18: Utility Damage Prevention, any person excavating in the County Public right-of-way shall comply with the requirements of Kansas One-Call regarding notification of excavation and marking of subsurface facilities. Such person shall provide underground service location with the assigned number for the permit to excavate or other information as may be necessary to properly identify the proposed excavation.

**Replacement or Change of Use of Facility** – Replacement or change of use of existing Utility Company facilities with the same facilities or facilities of a different type, or design is to be considered as a new utility installation requiring a new permit, and all work shall adhere to this policy.

**Change in Ownership** – Bourbon County Road Department shall be notified in writing of the names and addresses of the new owners within thirty (30) days after a Utility Company changes ownership.

**Abandon or Retire in Place** – The Utility Company shall notify Bourbon County Road and Bridge Supervisor when a utility has been abandoned or retired in place and is responsible for all costs associated with removal (or making safe in place) abandoned or retired in place utility. The Utility Company shall remove all above ground structures, pedestals, markers, manholes, and other structures or installations deemed necessary by the County Road and Bridge Supervisor or County's Representative.

**Discharge of Waste Material** – Applications for a permit for the installation of utility facilities which may discharge materials into the waters of the United States or waters of the State shall comply with all applicable requirements of the Corps of Engineers, Federal, State and local environmental protection agencies with jurisdiction. A copy of any necessary permit and authorization shall be provided to Bourbon County Road and Bridge Supervisor or County's Representative.

## TRAFFIC CONTROL

**Traffic Control Plan** - All utility work within the County Public right-of-way, or involving equipment parked in the County Public right-of-way requires a Traffic Control Plan. The Traffic Control Plan is to be provided by the Utility Company or ROW Occupant for all Right-of-Way Use Permits and Agreements, whenever such Utility Company work interferes with the movement of traffic or where the work or equipment is located within the County Public right-of-way. All traffic control plans must be preapproved by Bourbon County Road and Bridge Supervisor or County's Representative.

**Warning to Public** – The traveling public shall be warned of the activities of the Utility Company or ROW Occupant or individuals involved with utility construction and maintenance within the County Public right-of-way by means of signs, flaggers, and traffic control devices as outlines in the latest edition of the "Manual of Uniform Traffic Control Devices" (MUTCD), U.S. Department of Transportation, FHWA, or the State of Kansas Traffic Control Standards.

**Flaggers** – Flaggers will be required according to the MUTCD when utility construction and maintenance work within the County Public right-of-way (including pavement) is in progress. Control by flaggers is for the safety of the workers and the traveling public. Flaggers must wear ANSI Class II safety vests and high visibility headwear at all times when flagging traffic.

## RESTORATION OF THE PUBLIC RIGHT-OF-WAY

**Disturbed Areas** – Areas of the County Public right-of-way disturbed by the installation, maintenance, removal and relocation of utilities shall be kept to a minimum with special care taken to avoid disturbing existing drainage facilities.

**Backfill Requirements** – All excavations will be backfilled immediately after work is complete, or as directed by Bourbon County Road and Bridge Supervisor or County's Representative, and shall comply with the Bourbon County Public Right-of-Way Use, Repair and Maintenance Policy under the Road Surface and Base Design Section.

**Road Replacement** - Roadways will be repaired in accordance with the Road Design, Repair and Maintenance Section which is a part of the Bourbon County Right-of-Way Use, Repair and Maintenance Policy. Notify the County Road and Bridge Supervisor of the schedule for paving to provide an opportunity for the County or County's Representative to inspect the repair while in progress. Failure to give adequate notice is basis for withdrawal of the permit as well as having the work rejected.

**Sidewalk and Curb Replacement** - Sidewalk and curb replacement shall be poured and finished to match existing sidewalk & curb. Remove sidewalk 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 seven (7) days when necessary. Sidewalk shall not be less than four (4) inches thick.

**Cleanup and Restoration Time** - Immediately after completion of a project within the County Public right-of-way, the road and right-of-way shall be returned to normal grade and elevation with adequate compaction of backfill material and all excess or undesirable material removed by the Utility Company. All destroyed vegetation shall be replaced by the Utility Company by sodding, seeding, fertilizing or mulching as required by Bourbon County or County's Representative in conformity with the Bourbon County Public Right-of-Way Use, Repair and Maintenance Policy.

**Erosion Control** – Adequate protection against erosion shall be provided by the Utility Company or ROW Occupant in disturbed areas that are susceptible to erosion. Such protection by means in the form of rock rip-rap, wash checks, hay cover or other material that does not interfere with county maintenance operations and is approved by Bourbon County Road and Bridge Department Supervisor or County's Representative.

**Restoration Methods** - All materials and construction methods used to restore the roadway surface, base and subbase shall be equal to or better than that required by the Bourbon County Right-of-Way Use, Repair and Maintenance Policy and 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 twelve (12) inches wide, which shall be seeded and mulched. Any landscaping items, shrubs, and trees destroyed or damaged by the work shall be replaced.

**Repair** - Any Occupant of the County Public right-of-way is hereby required to repair all damage to a County Public right-of-way caused by the activities of a Utility Company or ROW Occupant for which permission has been given hereunder, or of any agent affiliate, employee, or subcontractor of that Occupant, while occupying, installing, repairing or maintaining facilities within the County Public right-of-way and to return the Public right-of-way, to its functional equivalence before the damage pursuant to the applicable current policies, permits and agreements of Bourbon County. If the Utility Company or ROW

Occupant fails to make the repairs required by Bourbon County, the County may affect those repairs and charge the Utility Company or ROW Occupant the cost of those repairs.

**Settlement** - The Contractor shall be responsible for repairing any settlement resulting from this work for one year after work is completed.

## ROAD CLOSURE

**Individual Permit Required** – A separate road closure permit is required for each and every road closure (except for plowing across a gravel road), where the road is closed to traffic for less than fifteen (15) minutes and the remainder of the construction period traffic is carried through construction with one lane open using flaggers for traffic control.

**Traffic Control Plan** – The Permittee or ROW Occupant shall provide a traffic control plan for each and every road closure, and furnish the plan to Bourbon County Road and Bridge Supervisor for review and approval at least seven (7) business days prior to closure.

**Procedure** – Permittee will coordinate closure with the Bourbon County Road and Bridge Supervisor and shall notify any local Fire Departments, Highway Patrol, Sheriff Department, and School Districts, Postal Service and all utilities that will be affected by the road closure, and shall comply with the permit requirements relating thereto, and the policies on road closure. Prior to closure the Permittee or ROW Occupant will have all traffic control and signing in place. Closure timing will allow for morning work and school commutes. The road cannot be closed or open without the specific permission of the Bourbon County Road and Bridge Supervisor. 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 Bourbon County will have a representative on site at the time the road is closed and opened. It is important that the Permittee or ROW Occupant keep the Road and Bridge Supervisor informed of scheduling of backfilling and pavement repair to insure proper inspection and minimize the time the road is closed to traffic.

**Notification** – The Permittee or ROW Occupant will make the notification of a closure and opening of the road to local emergency services, school districts, post offices, utility companies and others required by Bourbon County or shown on the Notification of Road Closure sheet.

## TRAFFIC AND PEDESTRIAN SAFETY

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

**Signs** - The Permittee shall provide all safety measures for the movement of traffic and pedestrians in compliance with the version current in Kansas of the 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 Contactor or ROW Occupant.

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

## **STOP WORK ORDER, PERMIT MODIFICATION, AND PERMIT REVOCATION**

When Bourbon County has determined that a ROW Occupant has violated any of the applicable policies or permits that a project poses a hazardous situation or constitutes a public nuisance, public emergency, or other threat to the public health, safety, or welfare, or when the County determines that there is a paramount public purpose, Bourbon County or County's Representative is authorized to issue a stop work order, to impose new conditions upon a permit, or to suspend or revoke a permit by notifying the Permittee or ROW Occupant of such action in a written, electronic, or facsimile communication.

**Enforcement** – Bourbon County prohibits unauthorized work to be performed within the County Public right-of-way in accordance with Kansas Statute 68-545. Any occupation of the Bourbon County Public right-of-way without first obtaining written permission from the County shall be guilty of a misdemeanor. A citation resulting in fines may be issued to the Contractor or ROW Occupant. Unauthorized work performed without Bourbon County or County's Representative inspecting the work may be required to be removed and reinstalled with proper inspection by Bourbon County or the County's Representative. All disputes in regard to citations will be handled through the Bourbon County District Court in accordance with County Codes and Regulations.

**Conformity to Laws** - The project shall conform to all applicable laws, regulations and codes covering said installations. All construction shall conform to regulations of governmental agencies for the protection of the public.

## **POST-EXCAVATION REPAIR, MAINTENANCE, AND PAVEMENT FAILURE**

**Repair and Maintenance Obligation of Occupant** - Each Occupant that causes construction to be done in the Bourbon County Public right-of-way shall be responsible to maintain, repair, or reconstruct the project site so as to maintain a condition acceptable to Bourbon County or County's Representative until such time as the County Public right-of-way is reconstructed, repaved, or resurfaced by Contractor.

**Subsurface or Pavement Failures** - In the event that subsurface material or pavement over or immediately adjacent to any excavation should become depressed, broken, or fail in any way at any time after the work has been completed, the Bourbon County Road and Bridge Supervisor shall exercise his or her best judgment to determine the person(s) responsible, if any, for the failure in the subsurface or surface within the County Public right-of-way and shall designate such person as the responsible party. The Road and Bridge Superintendent shall notify said person(s) of the condition, its location, and the required remedy, and such person(s) shall repair or restore, or cause to be repaired or restored, such condition to the satisfaction of the Road and Bridge Supervisor within seventy-two (72) hours of the notification. The Supervisor may extend the time for the responsible party to repair or restore the affected County Public right-of-way.

**Repair by the County** - If, in the judgment of the Bourbon County Road and Bridge Supervisor, the site of an excavation is considered hazardous or if it constitutes a public nuisance, public emergency, or other imminent threat to the public health, safety, or welfare that requires immediate action, the Road and Bridge Supervisor may order the condition remediation by a written, electronic, or facsimile communication to the person(s) responsible, if any for remedying the condition and shall designate such person as the responsible party.

Any Contractor performing work within the County Public right-of-way is hereby required to repair all damage to the County Public right-of-way caused by the activities of that ROW Occupant for which permission has been given hereunder, or of any agent affiliate, employee, or subcontractor of that occupant, while occupying, installing, repairing or maintaining facilities within the County Public right-of-way and to return the public right-of-way, to its functional equivalence before the damage pursuant to the applicable current policies, permits and agreements of Bourbon County. If the Contractor fails to make the repairs required by Bourbon County, Bourbon County may affect those repairs and charge the Permittee or Contractor the cost of those repairs. The cost of repairs will compensate Bourbon County for any costs associated with the administration, construction, consultants, equipment, inspection, notification, remediation, repair, restoration, or any other actual costs incurred by Bourbon County that were made necessary by reason of the repair or restoration undertaken by Bourbon County.

**Relocation of Utilities** - Whenever requested by Bourbon County, in order to accomplish construction and maintenance activities directly related to improvements for the health, safety and welfare of the public, an Occupant promptly shall remove its facilities from the County Public right-of-way or shall relocate or adjust its facilities within the County Public right-of-way at no cost to the political subdivision. Such relocation or adjustment shall be completed as soon as reasonably possible within the time set forth in any request by Bourbon County for such relocation or adjustment. Any damages suffered by Bourbon County or its Contractors as a result of such ROW Occupant's failure to timely relocate or adjust its facilities shall be borne by such Permittee or ROW Occupant.

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## BONDS AND INSURANCE

### PERFORMANCE, PAYMENT, AND OTHER BONDS

Contractor or ROW Occupant shall furnish a performance bond to Bourbon County in the amount of at least equal to one hundred percent (100%) of the original contractor price of the project as security for the faithful performance of the work to be performed within the County Public right-of-way. If the contract price increases, an additional amount equal to one hundred percent (100%) of the increase. The Contractor or ROW Occupant shall furnish a payment bond to Bourbon County in an amount of at least equal to one hundred percent (100%) of the original contract price. If the contract price increases, an additional amount equal to one hundred percent (100%) of the increase. The amount of the payment bond must be no less than the amount of the performance bond. These bonds shall remain in full force and effect during the term of the Project and continuing in full force and effect for one (1) year after the final completion of the work to be performed within the County, except as provided otherwise by State or other Laws or Regulations or by Contract Documents. The Contractor shall also furnish such other bonds as are required by Bourbon County for work to be performed within the County Public right-of-way.

All bonds shall be in the form prescribed by Bourbon County except as provided otherwise by Laws or Regulations, and shall be executed by such sureties as are named in the list of "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies" as published in Circular 570 (amended) by the Financial Management Service, Surety Bond Branch, U.S. Department of the Treasury. All bonds signed by an agent or attorney-in-fact must be accompanied by a certified copy of that individual's authority to bind the surety. The evidence of authority shall show that it is effective on the date the agent or attorney-in-fact signed each bond.

If the surety on any bond furnished by Contractor or ROW Occupant is declared bankrupt or becomes insolvent or its right to do business is terminated in any state where any part of the Project is located or it ceases to meet the requirements of this policy, Contractor or ROW Occupant shall promptly notify Bourbon County or County's Representative and shall, within twenty (20) days after the event giving rise to such notification, provide another bond and surety, both of which shall comply with the requirements of this policy and Bourbon County.

**Escrow Accounts** - For small local public utility projects where not more than two road cuts within the County Public Right-of-Way will occur, Bourbon County will allow the use of a "cash bond" that will be deposited in an Escrow Account to be submitted by the ROW Occupant or Contractor to Bourbon County.

For work within an asphalt surface area, the bond amount shall be \$40.00 per lineal of foot per two foot (2') wide section, anything over two foot (2') wide shall be rounded up to the next two foot (2') width.

Work performed in the County Public right-of-way, but is not in an asphalt surface area (e.g. gravel surface or dirt) the bond amount shall be \$10 per lineal foot per two foot (2') wide section.

### LICENSED SURETIES AND INSURERS

All bonds and insurance required by Bourbon County shall be purchased and maintained by Contractor or ROW Occupant shall be obtained from surety or insurance companies that are duly licensed or authorized in the jurisdiction in which the Project is located to issue bonds or insurance policies for the limits and coverages so required. Such surety and insurance companies shall also meet such additional requirements and qualifications as may be requested by Bourbon County or County's Representative.

## CERTIFICATES OF INSURANCE

Contractor or ROW Occupant shall deliver to Bourbon County or County's Representative, with copies to each additional insured and loss payee required by Bourbon County, certificates of insurance (and other evidence of insurance requested by Owner or any other additional insured) which Contractor or ROW Occupant is required to purchase and maintain.

Owner shall deliver to Contractor, with copies to each additional insured and loss payee identified in the Supplementary Conditions, certificates of insurance (and other evidence of insurance requested by Contractor or any other additional insured) which Owner is required to purchase and maintain.

Failure of Bourbon County to demand such certificates or other evidence of Contractor or ROW Occupant's full compliance with these insurance requirements or failure of Bourbon County to identify a deficiency in compliance from the evidence provided shall not be construed as a waiver of Contractor or ROW Occupant's obligation to maintain such insurance.

Bourbon County does not represent that insurance coverage and limits established in this Policy necessarily will be adequate to protect Contractor or ROW Occupant.

The insurance and insurance limits required herein shall not be deemed as a limitation on Contractor or ROW Occupant's liability under the indemnities granted to Bourbon County under this Policy.

## CONTRACTOR'S INSURANCE

Contractor or ROW Occupant shall purchase and maintain such insurance as is appropriate for the Work being performed within the County Public right-of-way and as will provide protection from claims set forth below which may arise out of or result from Contractor's performance of the Work and Contractor's other obligations under this Policy, whether it is to be performed by Contractor, any Subcontractor or Supplier, or by anyone directly or indirectly employed by any of them to perform any of the Work, or by anyone for whose acts any of them may be liable:

1. claims under workers' compensation, disability benefits, and other similar employee benefit acts;
2. claims for damages because of bodily injury, occupational sickness or disease, or death of Contractor's employees;
3. claims for damages because of bodily injury, sickness or disease, or death of any person other than Contractor's employees;
4. claims for damages insured by reasonably available personal injury liability coverage which are sustained:
  - a. by any person as a result of an offense directly or indirectly related to the employment of such person by Contractor, or
  - b. by any other person for any other reason;
5. claims for damages, other than to the Work itself, because of injury to or destruction of tangible property wherever located, including loss of use resulting therefrom; and
6. claims for damages because of bodily injury or death of any person or property damage arising out of the ownership, maintenance or use of any motor vehicle.

The policies of insurance required by Bourbon County shall:

1. with respect to insurance required by Bourbon County, be written on an occurrence basis, include as additional insured's (subject to any customary exclusion regarding professional liability) Bourbon County or County's Representative, and any other individuals or entities identified by Bourbon County, all of whom shall be listed as additional insured's, and include coverage for the respective officers, directors, members, partners, employees, agents, consultants, and subcontractors of each and any of all such additional insured's, and the insurance afforded to these additional insured's shall provide primary coverage for all claims covered thereby;
2. include at least the specific coverages and be written for not less than the limits of liability provided in this Policy or required by Laws or Regulations, whichever is greater;
3. include contractual liability insurance covering Contractor's indemnity obligations under Indemnification Section of this Policy;
4. contain a provision or endorsement that the coverage afforded will not be canceled, materially changed or renewal refused until at least thirty (30) days prior written notice has been given to Bourbon County and Contractor and to each other additional insured requested by Bourbon County to whom a certificate of insurance has been issued (and the certificates of insurance furnished by the Contractor pursuant to Policy will so provide);
5. remain in effect at least until final payment and at all times thereafter when Contractor may be correcting, removing, or replacing defective Work; and
6. include completed operations coverage:
  - a. Such insurance shall remain in effect for two years after final payment.
  - b. Contractor shall furnish Bourbon County and each other additional insured requested by Bourbon County, to whom a certificate of insurance has been issued, evidence satisfactory to the County and any such additional insured of continuation of such insurance at final payment and one year thereafter.

The limits of liability for insurance required by Bourbon County shall provide coverage for not less than the following amounts or greater where required by Laws and Regulations:

1. Workers' Compensation, and related coverages under the Contractor's Insurance Section of this Policy:
 

a. State:	Statutory
b. Applicable Federal (e.g., Longshoremen's)	Statutory
c. Employer's Liability	\$ 500,000
2. Contractor's General Liability under the Contractor's Insurance Section of the Policy which shall include completed operations and product liability coverages and eliminate the exclusion with respect to property under the care, custody, and control of the Contractor:

- a. General Aggregate \$ 2,000,000
  - b. Products - Completed Operations Aggregate \$ 1,000,000
  - c. Personal and Advertising Injury \$ 1,000,000
  - d. Each Occurrence (Bodily Injury and Property Damage) \$ 1,000,000
  - e. Property Damage liability insurance will provide Explosion, Collapse, and Underground coverages where applicable.
  - f. Excess or Umbrella Liability
    - 1) General Aggregate \$ 5,000,000
    - 2) Each Occurrence \$ 5,000,000
3. Automobile Liability under the Contractor's Insurance Section of the Policy:
- a. Bodily Injury:
    - Each Person \$ 1,000,000
    - Each Accident \$ 1,000,000
  - b. Property Damage:
    - Each Accident \$ 1,000,000
  - c. Combined Single Limit of \$ 1,000,000
4. The Contractual Liability coverage required under the Contractor's Insurance Section of this Policy shall provide coverage for not less than the following amounts:
- a. Bodily Injury:
    - Each Person \$ 2,000,000
    - Each Accident \$ 2,000,000
  - b. Property Damage:
    - Each Accident \$ 2,000,000
    - Annual Aggregate \$ 2,000,000
5. The following entities shall be listed on policy as additional insureds:
- a. Bourbon County, Kansas and its officers, agents, and employees

## **INDEMNIFICATION**

By accepting this permit and commencing the work, the Permittee agrees to indemnify and hold harmless Bourbon County from all claims, actions, lawsuits or damages of any kind and description which may accrue to or be suffered by any person, corporations, other entity, or real or personal property by reason of performance of the work, character of materials used or manner of installations or construction, or the maintenance or operation of the installations, or improper occupancy of the County Public right-of-way or public or private real or personal property, and in the case any such claim is made or an action or lawsuit is commenced against Bourbon County for damages arising out of any of the above causes, the Permittee shall, upon notice from the county of such claim or commencement of such action or lawsuit, defend the same at the Permittee's sole costs and expense shall fully satisfy any judgment after said lawsuit shall have been finally determined adversely to the county. This hold harmless and indemnification shall survive expiration of the permit.

Permittee assumes all liability for Permittee and any of its respective related entities' agents, employees, contractors, subcontractors, material suppliers, vendors, transport providers, designees and representatives.

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# UTILITY INSTALLATION WITHIN RIGHT-OF-WAY

## GENERAL PROVISION

**Summary** - This section applies to all public and private utilities, including electric power, telephone, telegraph, cable television, water, gas, oil, petroleum products, steam, chemicals, sewage, drainage, irrigation, and similar lines that are to be located, adjusted, or relocated, within the County Public right-of-way. Such utilities may involve underground, surface, or aboveground facilities, either singly or in combination.

Utility Company lines constructed on County Public right-of-way shall be in conformance with the current "National Electrical Safety Code", "American Waterworks Association Specifications", "Federal Pipeline Safety Regulations" and KDOT "Standard Specifications for State Road and Bridge Construction".

**Location** - Utility Company installations shall be located to minimize need for later adjustment to accommodate future roadway improvements and to permit servicing such lines with minimum interference to roadway traffic and county road maintenance operations.

**Parallel Installation Location** – Parallel installations shall be located on uniform alignment within seven feet (7') or less of the County Public right-of-way line to reduce impacts on traffic operations and preserve space for future roadway improvements or other transportation purposes.

**Crossing Installation Location** – Utility Company line crossing of County Public right-of-way are to be installed perpendicular to the roadway alignment to the extent possible.

## TRENCHING AND BACKFILL

**Trench Construction** - Where soil and depth conditions permit, trenches should be cut to have vertical faces with a maximum width of outside diameter of pipe plus two feet (2'). Trenches must be shored where necessary for safety and to protect the traveled way, shoulders and slopes.

**Trench Bedding** - Bedding shall be provided to a depth of six inches (6") or half of the diameter of the pipe, whichever is less. This requirement may be waived for lines with inside diameter of two inches (2") or less, and installed in compliance with the American Waterworks Association (AWWA) standards, and other applicable Industry Standards. Bedding material shall be free of lumps, clods, stones, and frozen material and shall be graded to a firm but yielding surface without abrupt changes in bearing value.

**Backfilling of Trench** – Backfilling of open trenches shall use only approved materials that will produce a dense, well-compacted backfill. Materials containing frozen soil, sod, debris, or organic material shall not be used. The material shall be placed in uniform layers not to exceed eight inches (8") in depth and compacted by means of suitable equipment or by tamping with mechanical or hand tampers. The moisture content of the soil used for backfilling shall be uniform and shall be such that required densities can be obtained.

**Blasting Plan** – A blasting plan shall be submitted to Bourbon County Road and Bridge Supervisor or County's Representative before blasting a trench for utilities in rock within the County Public right-of-way. A blasting plan will also be reviewed by KDOT Bridge Design before blasting a trench for utilities in rock in the County Public right-of-way within one hundred feet (100') of a bridge or highway structure.

## PIPELINE INSTALLATIONS

**Pipeline Construction** - Utility Company shall specify the type and class of material, test, design and maximum working pressures of their pipeline installations. Utility Companies operating pipelines that are not constructed, operated, and maintained under regulations established by the U.S. Department of Transportation shall upon revision in the class of material or an increase in the maximum operating pressure, advise Bourbon County Road and Bridge Supervisor in writing of such revisions.

**Pipeline Vents** – Vents are appurtenances by which fluids between carrier and casing may be inspected, sampled, exhausted or evacuated. Vents shall be located at the high end of short casings and at both ends of casing longer than one hundred and fifty feet (150'). Vent standpipes shall be located and constructed so as not to interfere with maintenance of the roadway nor to be concealed by vegetation. Where possible, they shall be marked and located at the County Public right-of-way line. The markers shall display the name and telephone number of company officials to contact in case of emergency.

**Pipeline Drains** – Drains are appurtenances by which liquids or heavy gases may be evacuated or exhausted. Roadside ditches or natural water courses shall not be used for purging the carrier unless specifically authorized by Bourbon County or any state or federal agency with jurisdiction over said ditches or water courses.

**Pipeline Markers** – The Utility Company shall place readily identifiable and suitable markers at the County Public right-of-way line where it crosses the County Public right-of-way except in those cases where a vent serves as a marker. Pipeline marker shall be designed and installed in accordance with the Utility Location Marker Detail in this Policy.



# UNDERGROUND UTILITY INSTALLATIONS

## GENERAL REQUIREMENTS

Underground utility installations should be located within the seven foot (7') utility corridor at the County Public right-of-way line. All installations and appurtenances shall be located to minimize interference with maintenance operations of Bourbon County and other utilities in the corridor.

All Utility Company appurtenances above the ground surface shall be located within the seven foot (7') utility corridor at the County Public right-of-way line.

Utilities will not be permitted in the traveled way or median shoulder, exceptions will be considered in extreme cases and require written approval by Bourbon County Road and Bridge Supervisor or County's Representative.

**Pipeline Depths** - Underground utilities other than transmission pipelines shall be installed at a minimum depth of three feet (3'). Transmission pipelines shall be installed at a minimum depth of six feet (6'). In no case shall the depth of cover for any underground facilities be less than that meeting applicable Industry Safety Guidelines. Locations where it will be difficult to attain minimum depth due to wet or rocky terrain shall be avoided. Any plan location change must be approved by Bourbon County Road and Bridge or County's Representative.

**Above Ground Structures** – Any above ground structures (i.e. pedestal) shall be marked by a post higher than the surrounding vegetation. This post shall be a minimum of six feet (6') All pedestal type structures shall be located at County Public right-of-way line.

**Parallel Installation Casing** – Utility Company lines installed parallel to County Public right-of-way require casing at certain locations. Such locations include, but are not limited to, crossings of side roads and major entrances.

**Utility Facility Structures** – Buried vaults larger than a hand hole (3 foot x 4 foot) shall be located on private right-of-way. Aboveground equipment cabinets other than splitter posts shall be located on private right-of-way.

## UNDERGROUND INSTALLATIONS CROSSING RIGHT-OF-WAY

All utilities crossing under ditches and roadways should have a minimum depth of cover of five feet (5') below ditch grade (original plan grade elevation), whichever shall govern. In fill sections, the natural ground line at the toe of the slope will be considered as ditch grade. However, in no case shall the depth of cover be less than that meeting applicable Industry Safety Guidelines.

If the minimum depth is not possible because of existing utilities, water table, ordinances, or similar reasons, the line shall be rerouted or protected with a casing, suitable bridging, concrete slab or other appropriate means.

Locations that are considered unsuitable or undesirable shall be avoided. These include, but are not limited to, locations as in deep cuts, near bridge footings, and in wet or rocky terrain where it is difficult to obtain minimum depth. Plan location changes must be approved by Bourbon County Road and Bridge Supervisor or County's Representative.

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# ENCASEMENT OF UTILITIES

## GENERAL CONSTRUCTION

Casings are oversized load bearing conduits or ducts through which a utility is inserted:

- To protect the County Public right-of-way from damages and to provide for repair, removal and replacement of the utility without interference to roadway traffic.
- To protect the carrier pipe from external loads or shock, either during or after construction of the highway.
- To convey leaking fluids or gases away from the area directly beneath the roadway to a point of venting at or near the County Public right-of-way line.

The casing shall include necessary appurtenances, such as vents, drains, and markers. Casing pipe shall be sealed at both ends with a suitable material to prevent water or debris from entering the annular space between the casing and the carrier, in accordance with Pipeline Industry Standards.

Utility Company lines crossing County Public right-of-way shall be cased five feet (5') beyond the County Public right-of-way to five feet (5') beyond the County Public right-of-way line.

## CASING REQUIREMENTS FOR UTILITIES CROSSING THE RIGHT-OF-WAY

**Underground Electric Service Lines** – Underground electric service lines shall be placed in conduit or ducts five feet (5') beyond the County Public right-of-way line to five feet (5') beyond the County Public right-of-way line and shall be clearly marked by the Utility Company at the outer limits of the County Public right-of-way.

**Underground Fiber Optic Lines** – Underground fiber optic lines shall be placed in schedule 40 PVC, HDPE, or equivalent from five feet (5') beyond the County Public right-of-way to five feet (5') beyond the County Public right-of-way line, with a tracer wire and must be clearly marked by the Utility Company at the limits of the County Public right-of-way.

**Direct Buried Telephone and Communications Cable Lines** – Direct buried telephone and communications cable will not be required to be cased.

**Exemption of Casing** – Pipelines carrying high-pressure natural gas, liquid petroleum products, ammonia, chlorine, or other hazardous or corrosive products need not be cased provided they are:

- Welded steel pipelines;
- Cathodically protected, if welded steel;
- Coated in accordance with accepted Industry Standards, if welded steel;
- Wall thickness is thick enough to meet requirements of the Federal Pipeline Safety Regulations – Code of Federal Regulations – Title 49 Code of Federal Regulations Parts 191 and 192 (Natural Gas) or Part 195 (Liquid Petroleum Gas) with respect to wall thickness;
- Designed for operating stress levels in accordance with Federal Pipeline Safety Regulations;
- Natural gas distribution and service lines with maximum pressure of sixty (60) pounds per square inch (PSI) of copper, steel or plastic which have an inside diameter of two inches or less.

**Casement of Gas Lines** - Gas pipelines not meeting the applicable conditions and provisions listed above under Exemption of Casing shall be cased five feet (5') beyond the County Public right-of-way limits and

shall be vented and marked at the outer County Public right-of-way limits. The markers shall give the name of the owner and phone number to contact in case of an emergency.

**Casement of Sanitary Sewer Lines** - Sanitary sewer lines crossing the County Public right-of-way must be encased five feet (5') beyond the County Public right-of-way line to five feet (5') beyond the County Public right-of-way line. An exception shall be made for gravity flow lines placed prior to road construction, properly bedded, and constructed of heavy duty cast or ductile iron pipe with suitable mechanical and/or restraint joints and seals. Suitability shall be determined by Bourbon County Road and Bridge Supervisor or County's Representative.

**Casement of Water Lines** – Water lines must be cased, from five feet (5') beyond the County Public right-of-way to five feet (5') beyond the County Public right-of-way. Venting and sealing of casement is not required. Casement is not required provided:

- Water line is placed prior to roadway construction utilizing extra strength cast iron or ductile iron with mechanical and/or restraint joints and seals, and is properly bedded. The extra strength pipe is to be used from County Public right-of-way to County Public right-of-way.
- Any copper, steel, or plastic waterline has an inside diameter of two inches (2") or less.

**Casement of Plastic Pipe** – All plastic pipe with inside diameter greater than two inches (2") must be cased five feet (5') beyond County Public right-of-way to five feet (5') beyond County Public right-of-way and meet minimum ASTM specifications and all applicable laws and codes.

**Uncased Utility Installations** – Uncased Utility Company installations, which by reason of shallow depth or location make them vulnerable to damage from roadway construction or maintenance operations, shall be protected with suitable bridging, concrete slabs or other appropriate measures.

## CASING MATERIAL

The following materials are acceptable for use in the casing of utility facilities when permitted by industry requirements and standards.

**Welded Steel Pipe** – Welded steel pipe, smooth wall, in sound condition meeting the requirements of the current KDOT "Standard Specifications for State Road and Bridge Construction".

**Corrugated Metal Pipe** – Corrugated metal pipe and coupling band meeting the requirements of the current KDOT "Standard Specifications for State Road and Bridge Construction".

**Reinforced Concrete Pipe** – Reinforced concrete pipe meeting the requirements of the current KDOT "Standard Specifications for State Road and Bridge Construction".

**Vitrified Clay Pipe** – Vitrified clay pipe meeting the requirements of the current KDOT "Standard Specifications for State Road and Bridge Construction".

**Cast Iron Pipe or Ductile Iron** – Cast iron pipe or ductile iron of the same class used for carrier pipe, providing it meets the minimum ASTM Specifications. A statement certifying that such specifications are met will be submitted as a part of the permit.

**Polyvinyl Chloride (PVC)** – Polyvinyl Chloride (PVC) meeting the requirements of the current KDOT "Standard Specifications for State Road and Bridge Construction".

**High-Density Polyethylene (HDPE)** – High-Density Polyethylene (HDPE) providing it meets the minimum ASTM Specifications.

**Chlorinated Polyvinyl Chloride (CPVC)** – Chlorinated Polyvinyl Chloride (CPVC) providing it meets the minimum ASTM Specification F441 and all applicable laws and codes.

The use of PVC pipe for casing is acceptable up to maximum diameter of twelve inches (12”).

**Electric Conduits** – Electric conduits may be of non-metallic materials such a polyvinyl chloride, high-density polyethylene, transite, or vitrified clay.

## **BORING**

**Boring Pits** – Pits for boring will not be permitted in the County Public right-of-way.

**Boring Requirements** – Casing and pipeline installation of pipe greater than twelve inch (12”) in diameter shall be accomplished by using the directional boring (horizontal directional drilling, HDD) method of installation, also commonly referred to as guided horizontal boring. Tunneling, jacking and trenching methods will not be acceptable methods unless prior written approval from Bourbon County Road and Bridge Supervisor or County’s Representative.

The use of water under pressure (jetting) or puddling will not be permitted to facilitate boring operations. Some boring may require water to lubricate cutter and pipe. This type of boring will be acceptable under these standards.

Where unstable soil conditions exist, boring operations shall be conducted in such a manner as not to be detrimental to the County Public right-of-way being crossed.

If excessive voids or a too large bored hole is produced during casing or pipeline installations, or if it is necessary to abandon a bored hole, prompt remedial action shall be taken by the Utility Company, subject to the written approval of Bourbon County Road and Bridge Supervisor or County’s Representative.

All voids or abandoned holes caused by boring are to be filled by pressure grouting when deemed necessary by Bourbon County Road and Bridge Supervisor or County’s Representative in writing. The grout material should be a sand cement slurry with a minimum of two sacks of cement per cubic yard and a minimum of water to assure satisfactory placement.

The hole diameter resulting from bored installations shall not exceed the outside diameter of the utility pipe, cable or casing (including coating) by more than one and a half (1.5) inches on pipes with an inside diameter of twelve inches (12”) or less; or two inches (2”) on pipes with an inside diameter greater than twelve inches (12”).

**Failed Bore Path** - If excessive voids or a too large bored hole is produced during casing or pipeline installations, or if it is necessary to abandon a bored hole, prompt remedial action shall be taken by the Utility Company, subject to the written approval of Bourbon County Road and Bridge Supervisor or County’s Representative.

All voids or abandoned holes caused by boring are to be filled by pressure grouting when deemed necessary by the County Road and Bridge Supervisor or County’s Representative in writing. The grout material should be a sand cement slurry with a minimum of two sacks of cement per cubic yard and a minimum of water to assure satisfactory placement.

**Product Bore Hole Diameter** - The hole diameter resulting from bored installations shall not exceed the outside diameter of the utility pipe, cable or casing (including coating) by more than 1.5 inches on pipes with an inside diameter of twelve inches (12") or less; or two inches (2") on pipes with an inside diameter greater than twelve inches (12").

**Drilling Fluids** – The Utility Company shall use a mixture of bentonite clay or other approved stabilizing agent mixed with potable water with a minimum pH of 6.0 to create the drilling fluid for lubrication and soil stabilization. Vary the fluid viscosity to best fit the soil conditions encountered. Do not use any other chemicals or polymer surfactants in the drilling fluid without written consent from Bourbon County Road and Bridge Supervisor or County's Representative. Utility Company shall certify to the County Road and Bridge Supervisor in writing that any chemicals to be added are environmentally safe and not harmful or corrosive to the facility. Utility Company shall report to the County Road and Bridge Supervisor the source of water for mixing the drilling fluid. Approval from the County Road and Bridge Supervisor is required for obtaining water from such sources as streams, rivers, ponds or fire hydrants. Any water source used other than a potable water may require a pH test.

**Sump Pits** - A sump pit is required to be on site by Utility Company to contain drilling fluids if vacuum devices are not operated throughout the drilling operation, unless approved by the County Road and Bridge Supervisor or County's Representative.

**Cleanup Work** – Within forty-eight (48) hours of completing installation of the boring product, Utility Company shall clean the work site of all excess slurry and spoils. The Utility Company shall be responsible for the removal and final disposition of excess slurry or spoils and shall ensure that the work site is restored to pre-construction conditions.

**Damage Restoration** – The Utility Company is hereby required to repair all roadway damage caused by heaving, settlement, separation of pavement, escaping drilling fluid (frac-out), or the directional drilling operation. If the Utility Company fails to make the repairs required by Bourbon County, Bourbon County may affect those repairs and charge the Utility Company for the cost of those repairs. The cost of repairs will compensate Bourbon County for any costs associated with the administration, construction, consultants, equipment, inspection, notification, remediation, repair, restoration, or another actual cost incurred by Bourbon County that were made necessary by reason of the repair or restoration undertaken by Bourbon County.

**As-built Plans** – The Utility Company shall provide to Bourbon County Road Department a complete set of As-Built Plans showing all boring (successful and failed) within thirty (30) days of completing the work.

## DEFINITIONS

For purposes of this Article, the following terms shall have the following meanings:

**“Contractor”, “Occupant”, “Utility Company” or “ROW Occupant”** means any person, firm, corporation, association, utility, or entity, which enters upon the Public right-of-way of Bourbon County, or in any manner establishes a physical presence on, upon, in or over the Public right-of-way of Bourbon County, for the purpose of installing, constructing, maintaining or operating lines, conduits, wires, fiber optic wires, cables, pipes, pipelines, poles, towers, vaults or temporary facilities.

**“Policy”** shall mean this Bourbon County Public right-of-way Use for Utility Infrastructure Policy adopted by the Board of Commissioners of Bourbon County, Kansas.

**“County”** shall mean the County of Bourbon, Kansas.

**“Road and Bridge Department”** shall mean Bourbon County Road and Bridge Department.

**“Supervisor”** shall mean the Road and Bridge Supervisor for Bourbon County.

**“County’s Representative”** shall mean any person, firm, corporation, association, or entity, which is appointed by the Bourbon County Board of Commissioners to represent Bourbon County.

**“Construction”** shall mean any work above or below surface or subsurface of the county right-of-way, including, but not limited to opening the or county right-of-way; installing, servicing, repairing or modifying any facility(ies) in or under the surface or subsurface of the county right-of-way, and restoring the surface and subsurface of the county right-of-way.

**“Facility” or “Facilities”** shall include, but not be limited to, any and all cables, cabinets, ducts, conduits, converters, equipment, drains, handholds, manholes, pipes, pipelines, splice boxes, surface location markers, tracks, tunnels, utilities, vaults, and other appurtenances or tangible things owned, leased, operated, or licensed by an owner or person, that are located or are proposed to be located in the county right-of-way.

**“Private Utilities”** means privately owned facilities which convey or transmit commodities as defined in this Policy but devoted exclusively to private use.

**“Public Utilities”** means facilities which convey or transmit commodities as defined in this Policy and directly or indirectly serve the public or any part thereof.

**“Transmission Pipeline”** means facilities which convey or transmit commodities as defined in this Policy but devoted exclusively to private use.

**“Owner”** shall mean any person, including the county, who owns any facility or facilities that are or are proposed to be installed or maintained in the county right-of-way.

**“Applicant”** shall mean an application for permit.

**“Permit”** shall mean a permit to construct as it has been approved, amended, or renewed by the Road and Bridge Department.

**“Permittee”** shall mean the applicant to whom a permit to construct has been granted by Bourbon County in accordance with this Policy.

**“Person”** shall mean any person, corporation, partnership, any municipal excavator, or any governmental agency.

**“County Public right-of-way”** shall mean the area across, along, beneath, in, on, over, under, upon, and within the dedicated public alleys, boulevards, courts, lanes, roads, sidewalks, spaces, streets, and ways within the County, as they now exist or hereafter will exist and which are or will be under the permitting jurisdiction of the County Road and Bridge Department.

**“Roadway”** shall mean that portion of the road extending from outside shoulder line to outside shoulder line or between curb lines.

**“Oversize/Overweight Vehicles or Loads”** shall mean a vehicle or load exceeding the maximum sizes and weights defined in K.S.A. 8-1902, 8-1904 and 8-1909.

**“Boring”** shall mean piercing a hole under the surface of the ground without disturbing the earth surrounding the hole. Water jetting and puddling is not permitted. Holes may be mechanically bored and cased using a cutting head and a continuous auger mounted inside of the casing. Small diameter holes may be augured and the casing or utility facility pushed in later.

**“Carrier”** shall mean pipe directly enclosing a transmitted fluid (liquid or gas).

**“Casing”** shall mean a larger pipe enclosing a carrier.

**“Backfill”** shall mean replacement of soil around and over an underground Utility Company facility.

**“Trenched”** shall mean installed in a narrow excavation.



## REFERENCES

1. AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT < 400), 2001.
2. Guide for Accommodating Utilities within ROW for Counties & Small Cities in Kansas, LTAP, March 2007.
3. FHWA Gravel Roads Maintenance and Design Manual, SD LTAP, November 2000.
4. Traffic Control Devices for Low-Volume Roads – Part 5, 2009 Edition.
5. Rural Road Design, Maintenance, and Rehabilitation Guide, SDOT Office of Research, Sept. 1995.
6. Field Guide for Unpaved Rural Roads, LTAP, July 2004.
7. KDOT Utility Accommodation Policy, 2007.
8. Rural Road Condition Survey Guide, SDOT Office of Research, July 1995.