



RIGHT- OF-WAY (ROW) PERMIT APPLICATION

Permit # _____

Permit Fee: _____

Date: _____

Received By: _____

Applicant:

Name: _____
Address: _____
City, State, Zip: _____
Phone: _____
Authorized Representative and Title: _____

DESCRIPTION OF THE WORK INCLUDING ROUTE, TOTAL DISTANCE AND EQUIPMENT TO BE USED:

PROPOSED WORK SCHEDULE:

PROPOSED TRAFFIC CONTROL:

Be it understood by Applicant that this Permit, when issued, is valid only in those right-of-ways under the jurisdiction of Dolores County. Applicant must obtain separate permits to work within right-of-ways under the jurisdiction of the State or other municipalities.

If the requested permit is granted, Applicant agrees:

1. To take every precaution to protect the highway, traffic, pedestrians, County infrastructures, and other ROW installations from damage or injury.
2. To be financially responsible, indemnify and hold the County harmless, and to make prompt payment for any damage, actual or claimed, related to actions by Applicant pursuant to the Permit.
3. To act consistently with the specifications and conditions of the Permit, as well as Dolores County Resolution Number 01-20-01, state law, and federal law.
4. The County does not guarantee the width of any ROW. Permittee, as well as Owners and Operators shall be solely responsible, at their own expense, to defend and/or relocate installations ultimately determined to be outside the County ROW.

Signed: _____
Applicant: _____ date
By: _____

ACTION ON APPLICATION (TO BE COMPLETED BY THE COUNTY):

The Application is Approved Denied

Conditions:

The Work is subject to the following conditions: _____

Permit Cost:

<input type="checkbox"/>	Regular ROW Construction Permit:	\$50.00	
<input type="checkbox"/>	Gravel Road Breach Regular per Location:	\$1,500.00	
<input type="checkbox"/>	Asphalt or Chip Seal Road Breach per Location:	\$3,000.00	
<input type="checkbox"/>	Any Road Breach Using Concrete/Flowable fill:	\$750.00	
<input type="checkbox"/>	Road Bore per Bore:	\$50.00	
<input type="checkbox"/>	All linear work in the ROW:	_____	(\$0.20 per foot or \$1,000.00 per mile)

Total

Bond Assessment:

A Surety Bond is: Required Not Required

If a surety bond is required, state the required amount: \$ _____ Other: _____

By: _____
Authorized Agent for Dolores County date

This Application and Permit is to be completed in duplicate, and both copies signed by both Applicant and, if granted, by an Agent of Dolores County. The original is to be given to Applicant; the second copy is to be retained by Dolores County.

A COPY OF THE PERMIT SHALL BE KEPT ON ALL WORK SITES

**RESOLUTION NUMBER 01-20-01****A RESOLUTION REQUIRING A PERMIT AND SETTING FORTH
STANDARDS FOR PERFORMING ANY INSTALLATION, MAINTENANCE
OR WORK OF ANY KIND WITHIN THE RIGHT OF WAY OF DOLORES
COUNTY ROADS**

WHEREAS, pursuant to section 43-2-111, C.R.S., as amended, the Board of County Commissioners and County Road Supervisor are responsible for the construction and maintenance of the County road system. The County Road Supervisor is legally vested with the power to prevent damage to County roads from ditch overflows, insufficient or unsafe conduits, flumes, or ditches crossing such roads, the removal or disposition of any material injurious to such roads, unsafe railway or tramway crossings or any other cause which may arise and which comes under the jurisdiction of the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners finds that establishing a permitting system to better control work being conducted in the County right-of-way ("ROW") is necessary to protect the roads and the health, safety and welfare of the road users; and

WHEREAS, the Board of County Commissioners finds that persons or entities owning, operating or otherwise responsible for maintenance of any installation within the County ROW ("Owners and Operators") have an ongoing obligation to maintain County ROW installations; and

THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Dolores County as follows:

I. Purpose and Intent

A ROW Permit ("Permit") shall be obtained prior to any person or entity, other than the County or other governmental entities exempted by the County, performing any installation, maintenance or work (Collectively "Work") of any kind within a County ROW. Said Work includes, but is not limited to, installation or maintenance of utilities or related components, including, but not necessarily limited to systems for drainage, water, sewer, natural gas, telephone, cable, electrical, wireless communications, and fiber optics. Permits are required to assure the method of Work meets the specifications in this Regulation, and adequate reconstruction and/or repair of any damage caused to County roads or ROW is properly remedied. Persons or entities seeking or obtaining a permit shall be referred to herein as "Applicant" or "Permitee." This Regulation is intended to supersede all prior County resolutions or ordinances regarding ROW Work.

II. Financial Guarantees

A performance guarantee is generally required prior to the issuance of a Permit. The performance guarantee is to ensure that, upon completion, suspension or termination of the Work, the road and ROW shall have been restored to pre-existing conditions or better, or as otherwise required by the Permit, and remains in that condition at least through the warranty period set forth herein. The Road Supervisor shall set the amount of each performance guarantee and have the right to waive performance guarantees, both based upon the history of Work performed by Applicant, the size of the subject project, as well as financial resources known.

1. All performance guarantees will be (i) in cash, together with an executed security agreement; (ii) by letter of credit issued by a bank physically doing business in the State of Colorado, drawable in the State; or (iii) by bond, the terms of the bond, the method of demanding performance on the bond and the bonding company must be acceptable to the Road Supervisor.

2. The performance guarantee will be released upon completion of a warranty period of twelve (12) months following completion of the Work. Any defective Work shall be corrected promptly upon notification by the Road Supervisor. The roadway and any areas where Work has been performed shall be thoroughly cleared of all debris and extraneous material. A failure to comply with Permit conditions, or a request to correct defective Work, shall entitle the County to compensation through the performance guarantee of all amounts necessary to cover the costs associated with the County remedying the deficiencies, either through County operations, or through a third-party contractor, together with any other associated damages or costs. Permittee shall be responsible for all such costs associated with remedying deficiencies, regardless of the posting of a performance guarantee, and no further permits will be issued to the Permittee while a balance is outstanding.

3. The County will consider a blanket performance guarantee for multiple permits or annual permitting.

III. Submittal Requirements for Permits

All Permit applications shall be submitted on an approved Dolores County form and all Permit fees paid prior to issuance. The Permit fee schedule and Permit application may be obtained from Dolores County Road Bridge or on the County Website. The Permit fee schedule may be amended from time to time by the County Road Supervisor with the consent of the Board of County Commissioners. The Permit application shall include the following information, together with any additional information reasonably required by the Road Supervisor:

1. An accurate drawing of the location of all Work to be performed, including the location of road bores and proposed breaches, together with total distances of installation;

2. Proof that a locate has been performed on all proposed locations of Work;

3. Proof of liability insurance covering any injuries or damages to persons or property related to the Work, in the minimum amount of \$1,000,000.00 for each occurrence. Said insurance shall remain in effect for a period of at least one year following completion of the Work;
4. Proof that all owners of property or businesses abutting utility projects have been notified by Applicant of the Permit application. Notification may be individually or by notice in the newspaper of record;
5. Evidence sufficient to demonstrate that Applicant has the requisite skill, experience and equipment necessary to safely and successfully complete the Work and comply with the terms of the Permit; and
6. A traffic control plan, addressing all phases of the Work.

IV. Action on Permit Applications

Applications shall be submitted at least five (5) working days prior to planned commencement of Work, unless otherwise granted approval for late submittal by the Road Supervisor. Approval of a Permit may be accompanied by any conditions deemed reasonable by the Road Supervisor to insure protection of health, safety, and welfare of the public, protection of County roads and ROW, and overall compliance with this Regulation. Should the Road Supervisor fail or refuse to issue any Permit applied for pursuant to this Regulation, or include conditions deemed unacceptable by Applicant, said Applicant may appeal such failure or refusal or conditions to the Dolores County Board of Commissioners. Any such appeal shall be made in writing, with a copy to the County Road Supervisor, and filed with the Board within ten days of the failure or refusal or conditions to grant a Permit. Within ten days of the receipt of an appeal, the Board of County Commissioners shall schedule the matter to be heard at a noticed public hearing of the Board, to be held within thirty days of receiving the appeal. No less than five (5) working days prior to the date at which the Board of County Commissioners is scheduled to consider an appeal, the party filing the appeal shall be given written notice of the time, date, and place at which time the appeal will be considered, and at which, evidence may be received from Applicant, County Road Supervisor, and interested members of public.

V. Specifications for Permit Work

In addition to specifications set forth in the Permit, unless otherwise set forth by the Road Supervisor, the following specifications shall be followed:

1. Whenever possible, road bores will be required rather than road cuts. **IN NO EVENT SHALL A CULVERT BE UTILIZED IN LIEU OF A BORE OR ROAD CUT.** In the event that a road cut is sought, specific approval from the Road Supervisor shall be required. Additionally, the Road Supervisor shall have final approval of road remediation methods. Generally, cuts shall be filled with removed materials and compacted in 10" maximum lift depths, or flow-fill if adequate compaction cannot be achieved. On chip-sealed roads, cold mix shall be utilized on the final layer. Regardless of the County minimum specifications, it shall be the sole responsibility

of Applicant to ensure that the road is fully remediated to a state equal to or greater than prior to the Permit.

2. All utilities shall be located on the back slope of the bar ditch at a minimum depth of eighteen (18) inches. Any damage to utility facilities buried less than the eighteen (18) inch minimum depth made during the course of normal maintenance and grading operations by the Road and Bridge Department shall be the sole responsibility of the utility owner. In the event that a Permittee, owner, or operator is notified by the County that installations are in violation of the specifications contained herein or in the Permit in place, said installations shall be remedied within (30) thirty days by said Permittee, owner or operator. Failure to remedy current installations may result in denial of further Permits, as well as action by the County against the Permittee, owner or operator for the removal or correction of the defective Work. Permittee, as well as Owners and Operators, shall be responsible for maintenance or repair of Work resulting from the uncovering of Work or movement of the installation, caused by any means, including but not limited to erosion or regular road maintenance.

3. Permits shall expire upon completion of the Work specified or 365 days, whichever sooner occurs.

VI. Enforcement

1. It shall be no defense to any action, either civilly or criminally, brought against Permittee, as well as Owners and Operators, that the subject activity was authorized by Permit.

2. Violation of this Regulation shall also be considered a violation of the Dolores County Development and Land Use Regulation (DCDLUR), subjecting the violating party to all remedies available to the County for enforcement thereof.

3. It is unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure or to use any land in violation of this Regulation (CRS § 30-28-124). Any person, firm or corporation violating any portion of this Regulation is guilty of misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the County Jail for not more than ten days, or by both such fine and imprisonment. Each day during which such illegal erection, construction, reconstruction, alteration, maintenance or use continues shall be deemed a separate offense (CRS § 30-28-124).

4. The County may seek any remedies provided for by law or equity in enforcement of this Resolution, including, but not limited to recovery of actual damages, and an injunction or other equitable relief in any court of competent jurisdiction to stop or prevent any violation. The County shall be awarded its reasonable attorney fees and costs in any successful enforcement action.

VII. Miscellaneous Provisions

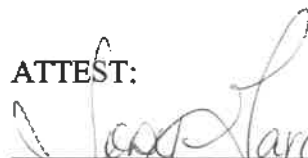
1. The County does not guarantee the width of any ROW. Permittee, as well as Owners and Operators shall be solely responsible, at their own expense, to defend and/or relocate installations ultimately determined to be outside the County ROW.
2. Permittee, as well as Owners and Operators, shall defend and hold the County harmless from any actions brought against the County based upon the issuance of a Permit hereunder or Work performed pursuant to that Permit. Said indemnification shall include the payment of reasonable County attorney fees and costs from the point the matter is referred to the County Attorney.
3. The County reserves the right to require any Permittee, as well as Owners and Operators, to relocate installations due to road reconfiguration, disputed right of way locations, or for any other reason requiring relocation, as reasonably determined by the County. Any such relocation shall take place within a reasonable time following request and at the sole expense of Permittee, Owners and Operators.
3. Emergency utility repair is permitted without prior application, but after-the-fact applications shall be submitted immediately after the Road and Bridge office has reopened, and Permit procedures will be followed in the same manner used for non-emergency Work. Notification shall be given to the Road and Bridge Department and Sheriff's Department at the time of the emergency work.
4. Work authorized by Permit shall be strictly limited to Work specified within the ROW. A Permit shall in no way be considered authorization to enter private property adjacent to such ROW or to alter or disturb any facilities or installation existing within any ROW.
5. Road closures to accommodate Work are not permitted unless justified on the basis of overall benefit to the general public. Requests for road closures shall be specified on the Permit form submitted by Applicant, and no road closures shall be undertaken unless approved as part of the Permit. If approved, at least five (5) working days prior to actual closure, Permittee shall notify the appropriate fire district, school district, and the County Sheriff's office of the exact location, date and time traffic will be impeded.
6. Permittee shall at all times conduct Work to ensure the least possible obstruction and hazard to the traveling public. Permittee shall provide for the protection of persons and property at all times, and for convenience of the residents along roads where Work is being done.
7. All Work performed by Applicant shall comply with applicable State and Federal rules, laws and regulations, including those requirements established by the Industrial Commission of Colorado and the Federal Occupational Safety and Health Act (OSHA). Work in violation of this Regulation, or permits issued hereunder, or State or Federal laws, rules, or regulations, may be considered unlawful and may be removed by the County.

8. Any Permit issued shall be available for inspection on site at all times when work is being performed and may be revoked by the County at any time for failure to comply with this Regulation or the terms of the Permit, or based upon any unlawful activity, unsafe or unsound practices, or potential health or safety concerns.

9. Owners and Operators shall have an ongoing obligation to provide timely locates pursuant to the requirements of CRS § 9-1.5-101, *et seq.* A failure to perform timely locates shall be considered a violation of this Regulation, as well as any Permits issued.

ADOPTED this 6th day of January, 2020.

ATTEST:



Jody Gardner
Deputy Clerk to the BOCC
[SEAL]



BOARD OF COUNTY COMMISSIONERS OF
DOLORES COUNTY, COLORADO

By: Floyd L. Cook

Floyd Cook, Chair

Steve Garchar

Steve Garchar, Commissioner

Julie Kibel

Julie Kibel, Commissioner