

CITY OF SANDY

RIGHT-OF-WAY PERMIT GENERAL CONDITIONS

(A) Scope

These General Conditions shall apply to and govern the location, installation, construction, replacement, maintenance and use of pole lines, buried cables, pipe lines, signs, miscellaneous operations upon City right-of-way and properties under the jurisdiction of the City of Sandy.

(B) Definition of Terms

(1) "APWA" means American Public Works Association, Oregon Chapter

(2) "Access Control Line" means the control line that is defined somewhere between the right-of-way line and the edge of the roadway. When there is no defined access control line, access is controlled at the right-of-way lines.

(3) "Aesthetic Quality" means those desirable characteristics in the appearance of the right-of-way and its environment, such as harmony between or blending of natural and manufactured objects in the environment, continuity of visual form without distracting interruptions, and simplicity of designs which are desirably functional in shape but without clutter.

(4) "Applicant" means the corporation, company, firm, business, partnership, individual or individuals named in and signing the permit and to whom the permit is issued.

(5) "Buried Cable" means any and all cables, wires, conduits, pedestals and/or related fixtures authorized in the permit placed beneath the ground.

(6) "Clear Zone Area" means that portion of the roadside, within the street right-of-way, free of nontraversable hazards and fixed objects. The purpose of such areas is to provide drivers of errant vehicles which leave the traveled portion of the roadway a reasonable opportunity to stop safely or otherwise regain control of the vehicle. The clear zone area may vary with the type of street, terrain traversed, and road geometric and operating conditions. AASHTO standards will be applied for establishing clear zone areas for various types of highways and operating conditions.

(7) "City" means the City of Sandy.

(8) "Facility" means pole line, buried cable, pipe line, sign or miscellaneous facilities as those terms are defined in this section.

(9) "Miscellaneous Operations" means the performance of miscellaneous operations as described in the permit.

(10) "Miscellaneous Facility" means the facility authorized by the permit, other than pole line, buried cable, pipe line or sign.

(11) "M.U.T.C.D." means Manual on Uniform Traffic Control Devices for Streets and Highways.

(19) "Permit" means a fully executed form furnished by the City or a Letter of Permit in which any special permit provisions are listed in addition to the General Conditions and any attached exhibits.

(20) "Pipe Line" means any and all pipe lines, hydrants, valve boxes, manholes, conduit and/or related fixtures authorized in the permit.

(21) "Pole Line" means any and all poles, wires, guys, anchors, and/or related fixtures authorized in the permit.

(22) "Right-of-Way" means the entire width between the exterior right-of-way lines including the paved surface, shoulder, ditches and other drainage facilities in the border area between the ditches or curves and the right-of-way line.

(23) "Traveled Way" means the portion of a street or road, including shoulders, for vehicular or pedestrian use.

(24) "Signs" means non-commercial signs and related fixtures authorized in the permit.

(25) "Special Provisions" means those provisions shown under the heading "Special Provisions" in the permit or Letter of Permit. In all cases of conflict between the Special Provisions and General Conditions, the Special Provisions shall govern.

(26) "Utility Facility" means privately, publicly or cooperatively owned line, facility, or system for producing, transmitting, or distributing data, communications, cable television, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm, water not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system which directly or indirectly serves the public. The term utility shall also mean the utility company inclusive of any substantially owned or controlled subsidiary. For the purposes of these rules, the term includes those utility-type facilities which are owned or leased by a government agency for its own use, or otherwise dedicated solely to governmental use. The term utility includes those facilities used solely by the utility which are a part of its operating plant.

(C) Permit Application Procedure

(1) Application for a permit shall be made on forms furnished by the City which may be obtained from City of Sandy, 39250 Pioneer Blvd., Sandy, OR 97055. Applicant shall complete the application and furnish two copies of all necessary attachments. All permit attachments shall be 8 1/2 x 11 inches when possible.

(2) Each permit application will be reviewed by City staff, (a site review may be required).

(3) To facilitate site review (if required by the City), applicant shall place markers such as lath stakes, or other markings as required at the locations where the applicant proposes to work.

(4) In reviewing permit applications, the City may consider the following objectives:

(a) Accommodation of utility facilities with no adverse affect on traffic safety, operation, maintenance of city utilities and aesthetic quality of the public street system;

(b) Incorporation of the appropriate industry code standards and AASHTO publications;

(c) Placement of utility installations in locations where they shall be reasonable to construct and maintain;

(d) Safe and unimpaired use of the right-of-way;

(5) No permit is valid until a copy, approved by the City, has been furnished applicant. No work on City rights-of-way or other City property is to be started until applicant obtains a valid permit. However, a permit may provide that for a facility, customer service drops or laterals may be placed after notice has been provided to the City.

(6) An applicant to whom a permit has been issued may undertake emergency repairs upon receipt of verbal permission from the City.

(7) The permit may be presented by an agent, employee or contractor of applicant but it must be signed by applicant.

(8) Applications that deviate from the prescribed rules and regulations must be accompanied by a Permit Variance Request.

(D) Allocation of Cost

(1) The entire cost of locating, constructing, installing, maintaining, repairing, operating or using the facility; or performing miscellaneous operations and of any other expense whatsoever incident to the facilities or operations authorized by the permit shall be paid by applicant.

(2) Applicant shall, in addition to section (1) of this rule reimburse the City for any reasonable and necessary expenses that the City may incur in connection with and related solely to the installation of the facility or conducting the operation authorized by the permit. Payment shall be made within 30 days after receipt of billing from the City. When required by the permit, an advance deposit shall be made with the City before the permit work begins.

(3) Applicant shall pay the current market value for any existing forest products on any City land or rights-of-way which are damaged or destroyed as a result of operations authorized by the permit. Payment shall be made within 30 days after receipt of billing from the City.

(E) Liability and Control

(1) Applicant shall be responsible and liable for all damage or injury to any person or property resulting from the physical location, installation, construction, maintenance, operation or use of the facility or operation for which applicant has been granted a permit. Applicant shall indemnify and hold harmless the City of Sandy against any and all damages, claims, demands, actions, causes of action, costs and expenses of whatsoever nature which they or any of them may sustain by reasons of the acts, conduct, or operation of applicant, its agents or employees in connection with the physical location, installation, construction, maintenance, repair, operation or use of said facility or in conducting an operation.

(2) Applicant shall be responsible for relocating or adjusting any other facilities located on City right-of-way as required to accommodate the facility or operation applied for. Construction of the facility or conducting of an operation by applicant, its agent or contractor, will be permitted only after applicant has furnished the City evidence that satisfactory arrangements for said relocation or adjustment have been made with the owner of the affected other facility.

(3) The City of Sandy shall not be responsible or liable for injury or damage that may occur to the facility covered by the permit by reason of City maintenance and construction operations or resulting from motorist or road user operations, or City contractor or permittee operations, except as to injury or damage caused by the negligence of the City its employees, agents, contractors, or permittees.

(4) Applicant shall employ any and all methods in performing the operations authorized by the permit which the City may require in order to properly protect the public from injury and the right-of-way from damage.

(5) If the street surface or underground facilities are damaged by applicant, applicant shall replace or restore the street or underground facilities to a condition satisfactory to the City of Sandy, whether discovered at the time of installation or at a later date. The City at its option may have applicant replace or restore the street or underground facilities to a satisfactory condition or the City may replace or restore the street or

underground facilities using contractor or City forces and the costs incurred to be paid by applicant.

(6) The work area during any construction or maintenance performed under the permit provisions shall be protected in accordance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways" as amended or supplemented by the State of Oregon. Necessary signs shall be furnished by applicant unless otherwise specified in the permit. Applicant's traffic control plan may be reviewed and approved by the City before work begins.

(7) The stopping or parking of vehicles upon the City right-of-way for the servicing of such vehicles or the conducting of any business transaction or commercial activity upon City right-of-way is strictly prohibited.

(8) Applicant shall be solely responsible for providing correct and complete information as may be required by the permit or the City of Sandy. Should the City determine that any fact required of applicant which is material to the assessment of the facility or operation's impact upon traffic safety, convenience and/or the legal or property rights of any person (including the City of Sandy) is false, incorrect or omitted, the City may deny or revoke the permit and may require applicant to remove the facility or terminate the operation and restore the facility area to a condition acceptable to the City at applicant's expense. In such cases the City, may also require applicant to provide, at applicant's expense, any additional safeguards and/or facilities required to protect the safety, convenience and rights of the traveling public and persons (including the City), if such additional requirements are adequate to achieve those purposes, as a condition of the continued validity of the permit.

(9) To ensure compliance with the terms and conditions of the permit, the City of Sandy reserves the right to inspect the work during such periods as the City deems necessary, to check compliance with the terms of the permit by applicant and to require applicant to correct all deviations from those terms and conditions.

(10) Any supervision and/or control exercised by the City personnel shall in no way relieve applicant of any duty or responsibility to the general public nor shall such supervision and/or control relieve applicant from any liability for loss, damage or injury to persons or property as provided in section (E),(1) of these conditions.

(11) Facilities shall be located where they do not create undue interference or hazard to the free movement of normal street or pedestrian traffic. Locations on sharp curves, steep grades, areas of restricted sight distance or at points which interfere with the placement and proper functioning of traffic control signs, signals, lighting or other devices that affect traffic operation will not be permitted. Any revisions to the facility location shall be approved by the City prior to construction. Applicant shall furnish the City two sets of "as constructed" drawings that show the facility location revisions.

(F) Insurance and Bond

(1) When requested in writing by the City of Sandy, applicant or its contractor shall obtain and carry, for the period that the facility is being located, installed or constructed or any operation conducted, including the repair and restoration of the street or underground facilities, and also during such future period of time when activities are performed involving the repair, relocation or removal of said facilities or operations conducted which have been authorized by the permit, a certificate of self-insurance or liability and property damage insurance policy or policies providing the coverage against any claim, demand, suit or action for property damage, personal injury, or death resulting from any activities of applicant, its officers, employees, agents or contractors in connection with the location, installation, construction, repair, removal or use of the said facilities or operations being conducted as authorized by the permit and the repair and restoration of the street and underground facilities, and the said certificate of self-insurance or policy or policies, in addition, shall include as named insureds the City of Sandy, its officers, agents and employees. The said self-insurance certificate or policy shall provide proof of coverage of a combined single unit of \$500,000. The said insurance policy or policies shall be in an insurance company duly authorized and licensed to do business in the State of Oregon. A copy of the certificate of self-insurance or policy or policies, or a certificate evidencing the same, shall be submitted to and approved by the City of Sandy before any work is commenced under the permit.

(2) When requested in writing by the City, applicant or its contractor shall furnish for the period of time necessary to construct or install a facility or conduct an operation authorized by the permit, including the repair and restoration of the highway facilities, or the conducting of any operations and also during such future periods of time when activities are performed involving the repair, relocation or removal of said facilities authorized by the permit, a bond or cash deposit in the amount specified in the Special Provisions of the permit. If a bond is furnished, it must be written by a surety company duly qualified and licensed to do business in the State of Oregon and in a form satisfactory to the City Attorney. No work shall be commenced under the permit until the said bond has been submitted to and approved by, or the said cash deposit has been received by the City of Sandy.

(G) Construction and Location Details

(1) Applicant or its contractor shall advise the City of Sandy at least 48 hours in advance of commencing construction of a facility for which a permit has been issued.

(2) Applicant shall submit with the permit application prints of adequate drawings or sketches showing in detail the location of the proposed facility or operation as described in the permit application with respect to existing paved surface of the roadway, the right-of-way lines, and, where applicable, the access control lines and approved access points:

(a) When attachment to a roadway structure is involved, details of the attachment method including type of support, spacing, size of pipe and location of the facility shall be included. The attachment method shall be designed by a professional engineer;

(b) When the proposed facility involves pressure pipe lines the following additional data is required:

(A) Design pressure of pipe;

(B) Normal operating pressure;

(C) Maximum operating pressure.

(3) Applicant's completed facility shall be in substantial conformance with the drawings or sketches referred to in section (2) of this rule unless special permission is obtained from the City of Sandy to vary from same during installation. When such permission is obtained, applicant shall furnish the City two sets of "as constructed" drawings or sketches detailing any such variances.

(H) Removal, Relocation or Repair

(1) The permit is issued pursuant to section 12.02 of the Sandy Municipal Code and / or any exclusive franchise agreements between the City and franchised utilities which authorizes the City of Sandy to subsequently require applicant to remove, relocate or repair the facility covered by the permit at the sole cost of applicant.

(2) Upon receiving written notice from the City to remove, relocate or repair the said facility, applicant shall within 30 days or within the time frame contained in the notice, provide to the City its time estimated requirements for accomplishing the directed action. If the section of right-of-way in which applicant is required by the City to remove, relocate or repair a facility is or will be under construction, reconstruction or improvement under a contract entered into between the City and an independent contractor the applicant may request that the City include such removal, relocation or repair as a bid item in said contract. Any special requirements or provisions of the applicant necessary to effect such removal, relocation or repair may be included in the plans, specifications and contract documents for the City's project and such work shall take place as if it were part of the City's project. All expenses resulting from the removal, relocation or repair shall be the responsibility of the applicant.

(3) The City, after applicant has provided its estimated time requirement for removal, relocation or repair of said facility, may schedule a preconstruction meeting with all applicants and affected contractors to coordinate the requested activity.

(4) The City in a second notice shall direct applicant, within a specified time frame and consistent with a coordination plan, to complete the removal, relocation or repair of said facility. The time frame outlined in the notice shall take into consideration the applicant's

estimated time requirements to accomplish the directed action. Such removal, relocation, or repair shall be at applicant's sole cost in accordance with said second notice and instructions received from the City. Before commencing said removal, relocation or repair, applicant shall furnish such insurance and post such bond as the City may consider necessary at that time in the manner provided for in Section (F) above.

(5) Should applicant fail to remove, relocate or repair the facility as provided in section (H), (4) of this rule, the City may remove, relocate or repair same and submit a statement of total costs for this work to applicant. Applicant upon receiving said statement will immediately, or within a period of time agreed upon between applicant and City of Sandy, pay the full amount of said removal, relocation or repair costs.

(6) If the section of right-of-way in which applicant is required by the City to remove, relocate or repair a facility is or will be under construction or reconstruction or improvement under a contract entered into between the City and an independent contractor and applicant's failure to remove, relocate or repair said pole line, buried cable, pipe line, sign or miscellaneous facility within the time specified in section (H), (4) of this rule, or such other time as may be specified by the City, results in payment by City to its contractor of any claim for extra compensation for any work under said contract, applicant shall be liable to the City for payment of the amount paid to City's contractor as a direct result of applicants failure to comply with the time requirements of the City.

(I) Maintenance and Operation

(1) Applicant shall at all times keep facilities authorized by the permit in a good state of repair both structurally and, in the case of signs, a clean and neat appearance.

(2) In the event applicant plans to raise the operating pressure for existing pressure pipe lines covered by permit above the "maximum operating pressure" shown in said permit, application for a new permit or an amendment to the existing permit is required.

(3) In the event applicant plans to install additional conductors, or replacement conductors of a higher capacity, on an existing aerial pole line covered by permit, application for a new permit or an amendment to the existing permit is required.

(4) Prior to performing anything other than routine maintenance work on the facility, applicant shall obtain prior approval from the City of Sandy.

(5) All abandoned facilities belonging to the applicant shall be removed from the right-of-way by the applicant, unless the City allows the facilities to remain by permit.

(J) Other Agencies

(1) Nothing in this permit is intended to grant rights or imply approval in areas not falling within the authority and jurisdiction of the City of Sandy. It is the responsibility of applicant to determine the need for and to obtain such licenses, permits or other form of approval which may be required by state agencies, federal agencies, cities and/or counties of Oregon, utility companies or railroads.

(K) Effective Period of Permit

(1) Unless otherwise provided in the Special Provisions, the permit shall be in effect for an indefinite period of time from and after the date issued, unless sooner revoked by mutual consent, or by the City for failure of the applicant to abide by the terms and conditions of the permit, or by operation of the law, or at the time the applicant to which the permit is issued ceases operation.

(2) Failure of applicant to comply with any of the terms and conditions of the permit shall be sufficient cause for cancellation of the permit.

(3) The permit and the privileges granted and the obligations of applicant created thereby shall be binding upon the successors and assigns of applicant. Applicant shall give the City written notice of any such assignment or transfer within a reasonable time thereafter.

(4) If the applicant fails to commence installation of the facility covered by the permit within the period specified in the permit, the permit shall be deemed null and void and all privileges thereunder forfeited, unless a written extension of time is obtained from the City of Sandy.

(L) Conformance with Regulations and Industry Codes

(1) All work in connection with the facility or operation authorized by the permit shall be done in a neat and workmanlike manner to the satisfaction of the City, and the details of construction of the same shall conform to the established rules and regulations now in effect or which may hereafter be put in effect by the Public Utility Commissioner of the State of Oregon, the Oregon State Board of Health or other governmental agencies having regulatory authority over said facility. In the event the above agencies do not prescribe standards, then the appropriate industry codes shall apply.

(2) The City may specify requirements in addition to those listed in these general conditions when it is deemed necessary to adequately protect the public.

(M) Specific Construction Details

(1) Corrugated metal pipe and concrete pipe used as a conduit or casing pipe or a gravity flow carrier pipe shall as a minimum conform to requirement of the current issue of "APWA-Oregon Chapter Standard Specifications for Public Works Construction".

Smooth iron or steel pipe used as a conduit or casing pipe shall be the standard type used for pressure pipe.

(2) No trench shall be excavated with a top width in excess of 18 inches more than the outside diameter of the pipe, conduit, or cable to be installed unless permission is first obtained from the City.

(3) All underground installations shall be buried with a minimum of 30 inches cover, (as measured from the finished grade) unless permission is first obtained from the City.

(4) Aerial utilities crossing the traveled way of the right-of-way shall have a minimum vertical clearance of 18 feet.

(5) The backfilling of all trenches and tunnels must be accomplished immediately after the facility authorized by the permit has been placed therein and must be fully compacted to produce a density in place of not less than 95 percent of relative maximum density.

(6) All debris, refuse and waste of all kinds, which may have accumulated upon the right-of-way by reason of the activity of applicant shall be removed immediately upon completion of the said activity, and the said right-of-way must be restored to at least as good a condition as it was prior to such activity.

(7) Unless special permission is first obtained from the City, direct burial of cable placed by the plowing method shall be limited to areas outside the traveled way of the right-of-way.

(8) Standard warning signs for buried power or communications cable and for pipe lines carrying gas or flammable liquids shall be placed at each crossing under the street and at intervals along longitudinal installations as required by current Public Utility Commissioner's Order or as specified by the City:

(a) Signs shall be placed as near the right-of-way line as practical;

(b) No signs shall be placed between any guardrail and the street.

(9) Pedestals installed as part of a buried cable installation are to be located one foot from the right-of-way line unless special permission is obtained from the City to locate elsewhere. In no case shall the pedestals be located within the street maintenance operating area, including mowing operations, or nearer the pavement edge than any official, street sign in the same general location.

(10) The buried cable or pipe depth shown on the permit form represents the distance from the top of the surface or ground line to the top of the cable or pipe.

(11) Applicant shall not spray with selective herbicides, cut or trim trees or shrubs growing in the right-of-way unless and until written permission and instructions to do so have first been obtained from the City.

(12) All material installed within the right-of-way shall be durable and designed for long service life expectancy and shall be relatively free of routine servicing and maintenance requirements.

(N) Permit Allowing Open Cut of Road Surface

(1) Unless special permission is first obtained from the City to install by open cut, a pipe line or conduit which crosses under the traveled way of the right-of-way, including road or street connections, or road approaches or driveways shall either be tunneled, jacked or driven, or placed in a hole bored under the surface for that purpose in accordance with the following provisions:

(a) Trenching in connection with any of these methods shall be no nearer the toe of the fill slope in fill sections or the point where the outer edges of the surfacing meets the subgrade in other sections than specified in the Special Provisions;

(b) If the tunneling method is used it shall be by an approved method which supports the surrounding materials so as to prevent caving or settlement. Areas around the installed pipe or conduit shall be backfilled with moist sand, granular material, cement grout or lean concrete, filling all voids and packed in place with mechanical tampers or other approved devices. Lagging, bulkheading and timbering shall be removed as the backfilling progresses;

(c) When the jacking, driving, or boring method is used it shall be by approved means which will hold disturbances of surrounding material to a minimum. Sluicing and jetting is not permitted. Voids or displacement around the outside perimeter of the pipe, conduit or cable shall be filled with sand or cement grout packed in place.

(2) When special permission is granted to open cut the surfaced portion of the highway the following provisions shall be adhered to:

(a) The trench edges in paved areas shall be sawed or cut to neat lines by methods satisfactory to the City to a depth sufficient to permit removal of pavement without damage to pavement to be left in place. Pavement within the cutting limits together with all other excavated material shall be removed and disposed of outside the right-of-way;

(b) In trenching across a street, no more than 1/2 of the traveled way is to be opened at one time. The opened half shall be completely backfilled or protected with crossing plates before opening the other half;

(c) Closure of intersecting streets, road approaches or other access points will not be permitted. Upon trenching across such facilities, steel running plates, planks or other

satisfactory methods shall be used to provide for traffic to enter or leave the street or adjacent property.

(d) Unless approved by the City, no more than 300 feet of trench longitudinally along the street shall be open at one time and no trench shall be left in an open condition overnight. Any crossing or running plates left in place at the end of the work day shall be securely pinned in place and asphaltic concrete shall be placed along all edges to provide a smooth transition;

(e) Immediately after the facility authorized by the permit has been placed in the trench, the trench shall be backfilled to the standard specified by the City, producing a density in place of not less than 95 percent of relative maximum density. Granular backfill material shall be placed to an elevation which will allow placing the following foundation material and wearing surface:

(A) Where original surface was asphalt concrete or bituminous treatment of mix:

(i) Wearing surface -- Asphalt concrete placed to a compacted thickness of 4" or the thickness of the removed pavement, whichever is greater. Asphalt concrete shall be placed in successive lifts no more than 2" in thickness until the minimum required thickness is achieved. All saw cut joints shall be completely sealed with bituminous emulsion covered with sand to prevent tracking. ;

(ii) Foundation material -- Either 1" - 0" or 3/4" - 0" aggregate placed to a compacted thickness of 12" or the thickness of the removed stone base, whichever is greater.

(B) Where original surface was Portland cement concrete:

(i) Wearing surface -- Portland cement concrete placed to a thickness of 6" or the thickness of the removed pavement, whichever is greater;

(ii) Foundation material -- same as for asphalt concrete.

(C) Where original surface was crushed rock or gravel: Wearing surface and foundation material -- Either 1" - 0" or 3/4" - 0" aggregate placed to a total compacted thickness of 4" or the thickness of the removed stone base and wearing surface, whichever is greater;

(D) Placement of all materials in subsections (a) through (e) of this section shall conform to the requirements of the current edition of the "APWA-Oregon Chapter Standard Specifications for Public Works Construction".

(d) For a period of two years following the patching paved surface, applicant shall be responsible for the condition of said pavement patches, and during that time shall, upon request from the City, repair to the City's satisfaction any of the said patches which become settled, cracked, broken or otherwise faulty.

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