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PARK COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS
Resolution No. 2018 14

A RESOLUTION TO ADOPT THE PARK COUNTY PUBLIC WORKS RIGHT OF WAY UTILITY ACCOMMODATION CODE

NOW, THERFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PARK COUNTY, COLORADO, THAT:

The 2018 Park County Public Works Right of Way Utility Accommodation Code attached hereto is hereby approved and adopted.

Moved, seconded, and approved this 22nd day of March, 2018

PARK COUNTY BOARD OF COUNTY COMMISSIONERS

Mike Brazell, Chairman

ATTEST:

County Clerk
Deputy

COUNTY CLERK PARK COUNTY, COLO.

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Park County Public Works Right of Way Utility Accommodation Code

January, 2018

This document may be accessed through the Park County (County) webpage at www.parkco.us . Comments or questions may be emailed to PWROWpermits@parkco.us .

This Code has been written, using the Colorado State Highway Utility Accommodation Code as a template, for adoption and use by the Park County Public Works Department (PCPW).

The standards and specifications in this Code shall supersede any current, related Park County standards and specifications.

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3.0 ACCOMMODATION STANDARDS

1.0 GENERAL PROVISIONS

1.1 Statement of Basis

1.1.1 The basis of the Park County Right of Way Utility Accommodation Code (Code) is the need to serve the public good through the safe, efficient and effective joint utilization of Rights of Way in the County (ROW) for both transportation and utility purposes.

1.1.2 The Code is necessary to establish a uniform and consistent County process for accommodating utilities within the ROW by means of reasonable regulations to ensure that such accommodations do not adversely affect the highway or traffic safety, or otherwise impair the operation, aesthetic quality or maintenance of the transportation facility, or conflict with applicable law.

1.1.3 Utility facilities provide an essential service to the general public, but every accommodation must be compatible with and not adversely affect the existing and future needs of the transportation facility.

1.1.4 The Code is being implemented in an effort to conserve limited public resources, preserve future options, and minimize conflicts between highway and utility facilities. The reasonable regulations in the Code ensure such accommodations.

1.2 Purpose

1.2.1 The main purpose of the Code is to implement, by permit, PCPW authority to regulate utility accommodations in the ROW. The Code establishes a utility permit system which includes uniform procedures and requirements necessary to allow utility accommodations while accomplishing the purpose described herein. The utility permit system will guide the PCPW, utility owners and contractors in the planning and administration of utility accommodations within ROW.

1.2.2 Another purpose of the Code is to comply with certain federal provisions in order to enable the County to receive federal funds. The PCPW must exercise uniform and adequate regulation over utility accommodations on all highways in the County Highway System. Therefore, the Code shall apply to all highways and ROW, public and private, in the County Highway System.

1.2.3 The Code is intended to increase uniformity, provide clarity and credibility, and enforceability to the PCPW procedures, criteria, engineering and technical requirements for utility accommodations within the ROW.

1.3 Definitions

1.3.1 Abbreviations: As used in the Code these abbreviations shall have the following meaning:

1.3.1.1 AASHTO: American Association of State Highway and Transportation Officials
1.3.1.2 BOCC: Park County Board of County Commissioners
1.3.1.3 CCR: Code of Colorado Regulations
1.3.1.4 CDOT: Colorado Department of Transportation
1.3.1.5 CDPS: Colorado Discharge Permit System
1.3.1.6 CFR: Code of Federal Regulations
1.3.1.7 CLSM: Controlled Low Strength Material, AKA Flowable Backfill, Flowfill
1.3.1.8 CRS: Colorado Revised Statutes
1.3.1.9 FHWA: Federal Highway Administration
1.3.1.10 HOA: Homeowners Association
1.3.1.11 LUR: Park County Land Use Regulations
1.3.1.12 MPH: Miles per Hour
1.3.1.13 MUTCD: The FHWA "Manual of Uniform Traffic Control Devices" and the Colorado supplement thereto as adopted by the Commission pursuant to § 42-4-104, CRS
1.3.1.13 OSHA: Occupational Safety and Health Administration
1.3.1.14 PCPW: Park County Public Works
1.3.1.15 PUC: Colorado Public Utilities Commission
1.3.1.16 ROW: Right(s) of Way under County jurisdiction
1.3.1.17 SECTION: A cross-referenced Section of the Code
1.3.1.18 §: A cross-referenced Section of CFR or CRS
1.3.1.19 UNCC: Utility Notification Center of Colorado
1.3.1.20 USC: United States Code

1.3.2 Definitions: These definitions are provided and adopted to explain certain technical words and phrases found in the Code. All words not specifically defined herein shall have their commonly accepted meanings.

1.3.2.1 AASHTO GUIDE: Most current version of "A Guide for Accommodating Utilities within Highway Right-of-Way."

1.3.2.2 AASHTO POLICY: Most current version of "A Policy on the Accommodation of Utilities within Freeway Right-of-Way."

1.3.2.3 ABANDONMENT: The cessation of ownership, use, and operation of a utility facility.

1.3.2.4 ACCOMMODATE: The act of enabling an accommodation.

1.3.2.5 ACCOMMODATION: The location, installation, construction, operation, maintenance, repair, renewal, relocation or presence of utility facilities.

1.3.2.6 ADJUSTMENT: A modification of an existing utility facility.

1.3.2.7 AESTHETIC QUALITY: Those desirable characteristics in the appearance of the highway and its environment, such as harmony between or blending of natural or 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.

1.3.2.8 APPLICANT: The utility owner, or duly authorized representative of the owner, applying for a utility permit; and, as the context provides, may also relate to an action or requirement of a "permittee." Permits are only issued in the name of the utility owner.

1.3.2.9 BACKFILL: Replacement of suitable material compacted as specified around and over a pipe, conduit, casing, gallery, or utility.

1.3.2.10 BEDDING: Organization of soil or other suitable material to support a pipe, conduit, casing, gallery, or utility.

1.3.2.11 BORE or BORING: The excavation of an underground circular cavity for the insertion of a pipe or other type of conduit.

1.3.2.12 BRIDGE: A structure, including supports, erected over a depression or obstruction, such as water, a highway, or railroad, and having a track or passageway for carrying traffic or other moving loads and having a length measured along the center of roadway of more than twenty (20) feet between undercopings of abutments or extreme ends of openings for multiple boxes.

1.3.2.13 CAP: Rigid structural element surmounting a pipe, conduit, casing, or gallery.

1.3.2.14 CARRIER: Pipe directly enclosing a transmitted fluid (liquid or gas).

1.3.2.15 CASING: A larger pipe enclosing a carrier. The cell of a box girder does not qualify as a casing. Tunnels or galleries may function as casing pipes.

1.3.2.16 CATHODIC PROTECTION: A method of controlling corrosion through the use of an induced electrical current and sacrificial anodes.

1.3.2.17 CLEAR ZONE: That portion of the roadside, within the highway right-of-way as established by the highway agency, free of non-traversable hazards and fixed objects.

1.3.2.18 COATING: Material applied to or wrapped around a pipe.

1.3.2.19 CODE: Park County Right of Way Utility Accommodation Code

1.3.2.20 CONDUCTOR: Wire carrying electric current.

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1.3.2.21 CONDUIT or DUCT: An enclosed tubular runway for protecting wires or cables.

1.3.2.22 COUNTY: Park County

1.3.2.23 COUNTY HIGHWAY SYSTEM: All highways within the PCPW's permitting jurisdiction. For this Code, the County Highway System includes public and private roadways. This is per BOCC Resolution #86-63, dated December 17, 1987. This resolution states that due to the poor condition of many private and quasi-public roads in the County, all roads, public and private, shall be constructed and maintained to the same County standards. The purpose of the Resolution is to ensure public safety and standardization of roadways within the County. Installation of utilities within the ROW have the potential to adversely affect the roadway and public safety, therefore utility work in any ROW in the County, exclusive of State highways, State highways that may also be local streets within the local agency jurisdiction, and any Federal highways not under local maintenance agreement with the County, shall be covered by this Code.

1.3.2.24 COVER or COVER DEPTH or DEPTH OF COVER: The depth of top of pipe, conduit, casing, gallery, or utility below grade of roadway or ditch.

1.3.2.25 CRADLE: Rigid structural element below and supporting a pipe.

1.3.2.26 CROSSING: The utility crossing of the ROW plus isolated segments of utility lines which may parallel the highway for not more than five hundred (500) feet.

1.3.2.27 DAY: Means a calendar day, unless specifically stated otherwise in the applicable text of the Code.

1.3.2.28 DESIGN-BUILD CONTRACT: The procurement of both the design and construction of a transportation project in a single contract with a single design-build firm or a combination of such firms capable of providing the necessary design and construction services.

1.3.2.29 DESIGNATED REPRESENTATIVE: A duly authorized, appointed representative of the PCPW, local agency, utility owner or permittee.

1.3.2.30 DIVIDED HIGHWAY: A highway with separated roadways, usually for traffic moving in opposite directions, such separation being indicated by depressed dividing strips, raised curbs, traffic islands, or other physical barriers so constructed as to impede vehicular traffic or otherwise indicated by standard pavement markings or other official traffic control devices as prescribed by the MUTCD.

1.3.2.31 DRAIN: Appurtenance designed to discharge liquid contaminants.

1.3.2.32 EASEMENT: A non-possessing interest held by one person or company in the land of another whereby the first person is accorded partial use of such land for a specific purpose.

1.3.2.33 EMERGENCY: Where circumstances imperatively require immediate action to comply with a State or Federal law or Federal regulation or for the preservation of the public health, safety or welfare.

1.3.2.34 ENCASEMENT: A structural element surrounding a pipe, which may include boxing or jacketing in trenched installations, or grouting in un-trenched installations.

1.3.2.35 EXPRESSWAY: A divided arterial highway for through traffic with full or partial control of access and generally with grade separations at major intersections.

1.3.2.36 FEDERAL AID HIGHWAY: A highway or portion thereof which is or has been developed, constructed or improved as part of a federal aid highway project as defined herein.

1.3.2.37 FEDERAL AID HIGHWAY PROJECTS: Active or completed highway projects administered by or through a State highway agency which involve or have involved the use of federal aid highway funds for the development, ROW acquisition, construction, or improvement of highway or related facilities, including highway beautification projects.

1.3.2.38 FLEXIBLE PIPE: A pipe which can be deformed without undue stress.

1.3.2.39 FLOWABLE BACKFILL: CLSM, a low-cement-content aggregate mixture developed as an alternative to conventional trench backfilling methods, to facilitate the backfilling operation and expedite the restoration of a pavement surface.

1.3.2.40 FREEWAY: A divided arterial highway for through traffic with full control of access and generally with grade separations at major intersections.

1.3.2.41 FRONTAGE ROAD: A local street or road auxiliary to and located on the side of an arterial highway for service to abutting property and adjacent areas for control of access.

1.3.2.42 FULL CONTROL OF ACCESS: The access control which provides for a preference to through traffic by providing access connections only with selected public roads and by prohibiting at-grade crossings and direct private driveway connections.

1.3.2.43 GALLERY: An underpass for two or more utility lines.

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1.3.2.44 GRADE SEPARATION: A crossing of two roadways, or a roadway and railroad, at different levels.

1.3.2.45 GROUT: A cement mortar or a slurry of fine sand or clay.

1.3.2.46 HEAVY WALL THICKNESS PIPE: Pipe meeting the industry standard for this specific designation.

1.3.2.47 HIGHWAY: The entire width between boundary lines (ROW or Easement boundary) of every way, street, road, etc. that is part of the transportation system in the County.

1.3.2.48 HIGHWAY AGENCY: That agency, commission, board, or official of any state or political subdivision thereof, charged by its law with the responsibility for highway administration. (PCPW)

1.3.2.49 HIGHWAY PURPOSE: Pertaining to the planning, design, construction, operation, maintenance, or improvement of any portion of the highway facility or function thereof, or to any lawful duty or act of a highway agency.

1.3.2.50 HIGHWAY PROPERTY: ROW and all improvements constructed thereon for highway purposes, including but not limited to such elements as: roadway template, pavement, subgrade, roadside areas, curbing, traffic barriers, highway structures, landscaping, irrigation and drainage systems, lighting, traffic signal systems, traffic control devices, delineation, pavement markings and survey monumentation.

1.3.2.51 HIGHWAY STRUCTURE: Any structure constructed for the purpose of carrying vehicular, rail, or pedestrian traffic over a depression, stream, obstacle, roadway, walkway, or railroad.

1.3.2.52 HOLIDAY: Holidays recognized by the State of Colorado and by the County are: New Year's Day, Dr. Martin Luther King Jr. Birthday (observed), President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day. When a holiday falls on Sunday, the following Monday shall be considered a holiday, and when a holiday falls on a Saturday, the preceding Friday shall be considered a holiday. Additional legal holidays, when designated by the Governor or the President of the United States, may also be recognized by the County. When a local agency has issuing authority for a permit, such other day(s) as the local agency may designate shall also be considered holiday(s) for the purpose of the permit.

1.3.2.53 INSPECTOR: A designated representative of PCPW who is assigned to make detailed inspections of utility permit activities in order to verify compliance with the Code and with the terms and conditions of an approved permit.

1.3.2.54 INSTALLATION: A utility facility or portion thereof, which is placed within ROW, or the act of making same.

1.3.2.55 INTERCHANGE: A facility that grade separates intersecting roadways and provides directional ramps for access movements between the roadways. The structure and the ramps are part of the interchange.

1.3.2.56 INTERSTATE: A highway that is included as part of the national system of interstate and defense highways.

1.3.2.57 ISSUING AUTHORITY: The authority vested in the appropriate government agency (PCPW) to issue a permit in accordance with the Code to accommodate a utility in ROW.

1.3.2.58 JACKET or BOX: Encasement by concrete poured around a pipe.

1.3.2.59 JACKING: Pushing a pipe horizontally under a roadway by mechanical means, with or without boring.

1.3.2.60 JETTING: Pushing a pipe through a roadway embankment using water under pressure to create a cavity ahead of the pipe.

1.3.2.61 JOINT USE: The use of pole line, trenches, duct systems, or other facilities by two or more utilities in order to conserve ROW.

1.3.2.62 LEAK-PROOF CONSTRUCTION: Methods to ensure against leakage in pipelines, including welded or mechanical leak-proof joints, and/or quality assurance measures such as radiographic or hydrostatic testing and certification of welds and joints.

1.3.2.63 LOCAL AGENCY: The city, or incorporated town within whose jurisdiction the utility will be accommodated in the ROW of a street that is also a County highway. The term shall also include the government of private lands or subdivisions by an HOA or similar body.

1.3.2.64 LOCAL STREET: A municipal street as provided in §§ 43-2-123 to 43-2-125, CRS.

1.3.2.65 LONGITUDINAL: Parallel or nearly parallel to the approximate alignment of the highway for more than five hundred (500) feet.

1.3.2.66 MAIN LINE: The main feeder or distribution line bringing a utility service to a geographical area.

1.3.2.67 MAINTENANCE: The servicing and repair of an existing facility as necessary to keep the facility in safe and acceptable operating condition.

1.3.2.68 MAJOR CHANGE: An alteration in the scope, location, nature, or cost of the work and includes but is not limited to:

1.3.2.68.1 changing a facility from aerial to underground; or

1.3.2.68.2 changing the location of a highway crossing; or

1.3.2.68.3 a shift from one side of the highway to another; or

1.3.2.68.4 any increase in plant capacity; and

1.3.2.68.5 changing from boring to open cut installation.

1.3.2.69 MANHOLE: An opening in an underground system which workmen, or others may enter for the purpose of making installations, repairs, connections or tests.

1.3.2.70 MARKER: A pole or other object placed over or near a buried facility to denote the facility's alignment.

1.3.2.71 MEDIAN: That portion of the highway separating the opposing traffic flows.

1.3.2.72 METHOD OF HANDLING TRAFFIC (MHT): A discrete element of a traffic control plan that describes the traffic control measures that may or will be taken in a particular phase of a permit operation or in a particular situation that may be encountered.

1.3.2.73 NIGHT: The period between one hour before sunset and one hour after sunrise.

1.3.2.74 PARTIAL CONTROL OF ACCESS: The authority to control access is exercised to give preference to through traffic to a degree that, in addition to access connections with selected public roads, there may be some crossings at-grade and some private driveway connections.

1.3.2.74 PAVEMENT CUT: The removal of an area of pavement for the purpose of placing or maintaining a utility facility.

1.3.2.76 PAVEMENT STRUCTURE: The combination of subbase, base course, and surface course placed on a subgrade to support and distribute the traffic load to the roadbed.

1.3.2.77 PERMIT: The written document by which the PCPW regulates and/or gives approval of the use and occupancy of the ROW by utility facilities or private lines, and which sets forth the approved terms and conditions under which a utility or utility facility may be accommodated within ROW. A permit is a license that does

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not convey any compensable property interest to the permittee. Permits shall be issued only to the actual facility owner.

1.3.2.78 PERMITTEE: The entity that owns and operates the utility facility, and that is responsible for fulfilling all the terms and conditions of the permit; or, as accepted by the PCPW, the utility owner's designated representative that has been duly authorized by the owner to carry out any or all permitted activities; and as the context provides, may also relate to an action or requirement of an "applicant."

1.3.2.79 PIPE: A tubular product made as a production item and for sale as such. Cylinders formed from plate in the course of fabrication of auxiliary equipment are not pipe as defined herein.

1.3.2.80 PLOWING: Direct burial of utility lines by means of a "plow" type mechanism which breaks the ground, places the utility line and closes the break in the ground in a single operation.

1.3.2.81 PRESSURE: Relative internal pressure in pounds per square inch.

1.3.2.82 PRIVATE LINE: Privately owned facilities, which convey or transmit commodities outlined in the definition herein for "utility facility," but devoted exclusively for private use.

1.3.2.83 RELOCATION: The adjustment of utility facilities required by the highway project or other highway purpose. It includes removing and reinstalling the facility, including necessary temporary facilities, acquiring necessary right of way on the new location, moving, rearranging or changing the type of existing facilities and taking any necessary safety and protective measures. It shall also mean constructing a replacement facility that is both functionally equivalent to the existing facility and necessary for the continuous operation of the utility service, the project economy, or sequence of highway construction.

1.3.2.84 REST AREA: A roadside area with parking facilities separated from the roadway provided for motorists to stop and rest for short periods. It may include drinking water, toilets, tables and benches, telephones, information and other facilities for travelers.

1.3.2.85 RETIREMENT: The cessation of use and operation of a utility facility that remains under the utility's ownership.

1.3.2.86 RIGHT-OF-WAY (ROW): Real property, or interests therein, acquired, dedicated or reserved for the construction, operation, and maintenance of the County highway system. For this Code, ROW includes public and private roadways. This is per BOCC Resolution #86-63, dated December 17, 1987. This resolution states that due to the poor condition of many private and quasi-public roads in the County, all roads, public and private, shall be constructed and maintained to the same County

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standards. The purpose of the Resolution is to ensure public safety and standardization of roadways within the County. Installation of utilities within the ROW have the potential to adversely affect the roadway and public safety, therefore utility work in any ROW in the County, exclusive of State highways, State highways that may also be local streets within the local agency jurisdiction, and Federal highways not under maintenance agreement with the County, shall be covered by this Code.

1.3.2.87 ROAD PRISM: the area from the outside hinge point of any cut or fill slope on one side of a roadway to the outside hinge point of any cut or fill slope on the opposite side of the roadway. Includes all drainage structures (ditches) associated with the roadway. In the event that there are no drainage structures, or cut or fill slopes, the Road Prism shall be measured as ten (10) feet from the edge of the driving surface on either side of a roadway.

1.3.2.88 ROADSIDE: A general term denoting the area adjoining the outer edge of the roadway. Extensive areas between the roadways of a divided highway may also be considered roadside.

1.3.2.89 ROADWAY: That portion of a highway improved, designed or ordinarily used for vehicular travel exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, "roadway" refers to any such roadway separately but not to all such roadways collectively.

1.3.2.90 ROADWAY TEMPLATE: The area of the constructed or proposed road embankment from road centerline across the traveled lane(s) and shoulder, then down to a drainage ditch, then up to an intercept with natural ground in a cut section, or from the shoulder down to an intercept with natural ground in a fill section.

1.3.2.91 RURAL AREA: Any segment of the County highway system not considered to be in an urban area.

1.3.2.92 SCENIC OVERLOOK: A roadside area provided for motorists to stop their vehicles beyond the shoulder, primarily for viewing the scenery in safety.

1.3.2.93 SERVICE LINE: A utility line which brings a utility's service from a main line to the end user.

1.3.2.94 SHOULDER: A portion of the roadway template immediately adjacent to the traveled lane.

1.3.2.95 SPECIAL PROVISIONS: Terms and conditions of a permit, imposed by the PCPW, which are consistent with but not otherwise set forth in the Code and which address unique or variable circumstances peculiar to a given installation.

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1.3.2.96 STANDARD PROVISIONS: Standardized terms and conditions of a permit that reflect specific Code requirements and which apply in most situations.

1.3.2.97 STATE: The State of Colorado, or CDOT as a duly constituted agency thereof, or the Commission as the context may require.

1.3.2.98 STATE HIGHWAY (SH): A highway on the State highway system.

1.3.2.99 STATE HIGHWAY SYSTEM: All highways under State jurisdiction and control and declared as such by the Commission pursuant to § 43-2-101, CRS.

1.3.2.100 STRUCTURE ATTACHMENT: A utility attached to or installed within a highway structure.

1.3.2.101 TRAFFIC CONTROL PLAN (TCP): The planned utilization of MHT and of traffic control devices, as necessary, to ensure the safe and expeditious movement of traffic around and through the utility work site and the safety of the utility work force.

1.3.2.102 TRAFFIC CONTROL SUPERVISOR (TCS): The on-site person in direct responsible charge for implementing the TCP and shall be certified as a worksite traffic supervisor by either the American Traffic Safety Services Association or the Colorado Contractors Association, and shall have a current CDOT flagger certification card.

1.3.2.103 TRAVELED WAY: The portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

1.3.2.104 TRENCHED: Installed in a narrow open excavation.

1.3.2.105 TRENCHLESS: Installed using a method where no trench is excavated, such as microtunneling, jacking, horizontal directional drilling, or plowing.

1.3.2.106 UNDERGROUNDING: The act of burying a line, cable, or conduit, and in context may refer in particular to the act of replacing an existing aerial facility with a buried facility.

1.3.2.107 UNTRENCHED: Installed without breaking ground or pavement surface, such as by jacking or boring.

1.3.2.108 URBAN AREA: An area where residences or businesses are clustered, not necessarily within municipal boundaries, where frequent approaches, utility lines, and drainage facilities are likely to be encountered, and where potential exists for future widening of the road to accommodate anticipated traffic growth.

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1.3.2.109 UTILITY or UTILITY FACILITY: Any privately, publicly or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, cable television, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, stormwater 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 the Code, 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 part of its operating plant. As the context provides, the term utility may also relate to an action or requirement of an "applicant" or "permittee."

1.3.2.110 VARIANCE: A deviation from a specific requirement of the Code, requested by an applicant, that if approved, is deemed consistent with the purpose and intent of the Code, and is reasonably necessary for the convenience, safety, and welfare of the public.

1.3.2.111 VEHICLE: Any device which is capable of moving itself or of being moved from place to place upon wheels or endless tracks. Vehicle includes any bicycle, but such term does not include any wheelchair or any such other device as specifically exempted in § 42-1-102(112), CRS.

1.3.2.112 VENT: Apparatus to discharge all gaseous contaminants from a casing.

1.3.2.113 WATER ASSISTED or WET BORING: To bore using water under pressure at the cutting auger to soften the earth and to sluice out the excavated material.

1.3.2.114 WORKING DAY: Any day that the permittee can perform a normal day of work, exclusive of delays which result from inclement weather, labor disputes, material shortages and other factors beyond the permittee's control. It does not include any weekends or legal holidays.

1.4 Applicability and General Provisions

1.4.1 The Code shall apply only to utility accommodations in the ROW of the County Highway System, and shall apply to all such accommodations.

1.4.2 The PCPW or designee(s) shall implement the Code for the County.

1.4.3 Applications for utility permits and utility relocation permits shall be on PCPW prescribed forms, unless issuing authority for permits has been delegated to a local agency.

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1.4.4 The utility shall comply with all applicable requirements of the Code, and if a permit is issued, with all terms and conditions of that permit.

1.4.5 Failure to comply with any of the applicable requirements of this Code may result in the imposition of fines and/or penalties spelled out in the County Standard Specifications and/or LURs, and may also cause current or future permits to be cancelled or denied.

1.4.6 A utility shall not perform any utility accommodation work without first obtaining a permit issued by the PCPW.

1.4.7 The PCPW will issue a permit only if the utility accommodation complies with the Code, and is not otherwise detrimental to the highway facility or to the health, welfare and safety of the public.

1.4.8 The PCPW may include permit terms and conditions deemed reasonably necessary to give effect to the purpose, scope or requirements of the Code.

1.4.9 Where language of the Code requires particular action to be taken or omitted, but does not specifically identify the responsible party, such requirements shall apply to and be the sole responsibility of the utility owner, as the context provides.

1.4.10 Where the language of the Code does not impose a particular obligation, but expressly indicates that a requirement or condition "will be specified," or "otherwise approved," or "may be required," or "may be necessary," or that the "PCPW may require a utility to take further action," the Code anticipates that such requirement or condition or action, if any, will be described by the PCPW in the permit. Such a requirement, condition or action will be applicable to the utility owner only if specifically described in the issued permit.

1.4.11 The Code does not invalidate utility permits or agreements issued or entered into prior to the effective date of the Code. However, to the extent the Code requires a utility to take reasonably necessary action to protect the public health, welfare and safety, or to prevent unreasonable interference with any highway in the County, existing utilities shall be subject to such requirements. The utility must take such actions upon written notice.

1.5 Material Incorporated by Reference

The following regulations and standards are incorporated as part of the Code by this reference, but only to the extent they are consistent with the express provisions of the Code:

1.5.1 Federal Regulations and Standards

1.5.1.1 [Title 23 - Highways] 23 CFR 1.23, "Rights of Way," April 1, 2008

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1.5.1.2 23 CFR Part 645A, "Utility Relocations, Adjustments, and Reimbursement," April 1, 2008

1.5.1.3 23 CFR Part 645 B, "Accommodation of Utilities," April 1, 2008

1.5.1.4 [Title 49 - Transportation] 49 CFR Part 192, "Transportation of Natural and Other Gas by Pipeline; Minimum Safety Standards," Hazardous Materials Regulation Board, October 1, 2007

1.5.1.5 49 CFR Part 195, "Transportation of Liquids by Pipeline; Minimum Safety Standards," Hazardous Materials Regulation Board, October 1, 2007

1.5.2 National and Industry Standards

1.5.2.1 "A Guide For Accommodating Utilities Within Highway Right-of-Way," AASHTO, October 2005 edition

1.5.2.2 "A Policy on the Accommodation of Utilities Within Freeway Right-of-Way," AASHTO, October 2005 edition

1.5.2.3 "Roadside Design Guide with Updated Chapter 6", AASHTO, 3rd edition 2006 with Appendix A and March 2006 Errata

1.5.2.4 "Recommended Practice for Liquid Petroleum Pipelines Crossing Railroads and Highways," American Petroleum Institute, Division of Transportation, API Recommended Practice 1102, December 2007 edition with November 2008 errata

1.5.3 The Code of Federal Regulations (CFR) and standards are available online at http://www.access.gpo.gov/nara/cfr/waisidx_08/23cfrv1_08.html and at http://www.access.gpo.gov/nara/cfr/waisidx_07/49cfrv3_07.html. Copies of the national and industry standards are maintained by the CDOT State Utilities Engineer and are available for public inspection during regular business hours at the Colorado PCPW of Transportation, Utilities Unit, 4201 East Arkansas Avenue, Denver, Colorado 80222.

2.0 ADMINISTRATIVE PROCEDURES

2.1 General

2.1.1 Authority to Issue Permits in the ROW of public and private highways in the County

2.1.1.1 The PCPW has the authority and primary responsibility to issue permits for utility accommodations on all ROW in the County Highway System (For this Code, ROW includes public and private roadways. This is per BOCC Resolution #86-63, dated

December 17, 1987. This resolution states that due to the poor condition of many private and quasi-public roads in the County, all roads, public and private, shall be constructed and maintained to the same County standards. The purpose of the Resolution is to ensure public safety and standardization of roadways within the County. Installation of utilities within the ROW have the potential to adversely affect the roadway and public safety, therefore utility work in any ROW in the County shall be covered by this Code), exclusive of State highways, State highways that may also be local streets within the local agency jurisdiction, and Federal highways not under maintenance agreement with the County.

2.1.1.2 If an application requests utility accommodation on a County highway that is also a local street within a local agency jurisdiction, the PCPW shall, if requested by the local agency, consult with the local agency before the PCPW acts on the application and/or the terms and conditions of the permit.

2.1.1.3 The PCPW may, upon written request by a local agency and prior approval thereof by the PCPW, delegate the authority described in Section 2.1.1.2 of this Code to a local agency for highways within its jurisdiction, subject to the following conditions:

2.1.1.3.1 the local agency's written request must be executed by the person authorized to obligate the local agency on utility matters; or

2.1.1.3.2 under any delegation, the PCPW shall remain the sole issuing authority for utility permits on all highways in the County Highway System, notwithstanding those portions of the highways which are within the local agency jurisdiction;

2.1.1.3.3 any permit issued by the local agency shall include all terms and conditions necessary to ensure compliance with the Code;

2.1.1.3.4 upon written request from the local agency, the PCPW will assist with permit applications received by the local agency, including but not limited to reviewing an application, recommending permit action, and/or preparing a permit for local agency issuance;

2.1.1.3.5 if requested by the PCPW, the local agency shall promptly furnish the PCPW with copies of all permits issued, and of applications denied together with reasons for denial;

2.1.1.3.6 the local agency shall be responsible to ensure minimum Code compliance with all terms and conditions of any permit issued, and to hear and decide any appeals of its permitting decisions;

2.1.1.3.7 the permit shall expressly provide that the PCPW may, at any time, inspect the site of work authorized by the permit;

2.1.1.3.8 any locally adopted utility accommodation standards that are imposed through a permit shall meet the minimum applicable requirements of the Code;

2.1.1.3.9 the permit shall expressly provide that the PCPW shall retain authority to take immediate remedial action concerning permitted work to attain compliance with the Code or with permit conditions, or as otherwise required for the public health, welfare and/or safety;

2.1.1.3.10 the local agency may relinquish the delegated authority upon written notice to the PCPW, and the PCPW may withdraw its delegation of authority upon written notice to the local agency.

2.1.1.3.11 The PCPW reserves the right to issue utility relocation permits.

2.1.2 Responsibility for Utility Accommodation Costs

2.1.2.1 The utility owner shall be responsible for all costs of the accommodation of its facilities within the ROW, or their relocation from or within the ROW and the County shall have no responsibility for any costs of any utility accommodation, except as expressly provided otherwise in this Section or in a permit or written agreement.

2.1.2.2 If a utility fails to fulfill any requirement of the Code or of the permit, the PCPW, after written notice to the utility and an opportunity to remedy, may elect in its discretion to perform the work by any other suitable means. In that event, the utility shall be liable to the PCPW for all costs reasonably and actually incurred by the PCPW for that performance. The utility shall pay that amount plus interest at the statutory rate to the PCPW not later than 30 days after receipt of the PCPW's bill. Any such amounts not paid may be used to offset future fiscal PCPW obligations to the utility.

2.1.2.3 The utility company shall pay for damages caused by the company's delay in the performance of utility relocation work or interference with the performance of transportation project work done by others. Such damages may include, but are not limited to, payments made by the PCPW to any third party based on a claim that performance of the transportation project work was delayed or interfered with as a direct result of the utility company's failure to timely perform the utility relocation work. This is subject to the following additional provisions:

2.1.2.3.1 damages resulting from delays in the performance of the utility company's relocation work or interference with the transportation project work caused by events beyond the utility company's ability to reasonably foresee or control shall not be charged to the utility company; or

2.1.2.3.2 if damages are charged against the utility, the PCPW may withhold issuance of a permit until such damage charges are paid, or deduct damage charges from any

outstanding accounts for relocation reimbursement agreements with that utility company; or

2.1.2.3.3 for utility relocations arranged through Design-Build Contracts, damage charges and the potential withholding of permits are subject to Part 14 of Title 43 CRS.

2.1.2.4 The PCPW will reimburse a utility for the costs of relocating its facility only where any of the following conditions exist:

2.1.2.4.1 the Utility has the right of occupancy in its existing location because it holds the fee, an easement, or other real property interest, the damaging or taking of which is compensable in eminent domain; or

2.1.2.4.2 the facilities are owned by a governmental subdivision of the State of Colorado or an abutting landowner, as provided in § 43-1-225, CRS; or

2.1.2.4.3 the provisions of § 43-1-1411, CRS apply with respect to certain relocation costs associated with a Design-Build Contract; or

2.1.2.4.4 the facilities exist to serve a highway purpose.

2.1.2.5 Except as otherwise provided in § 43-1-1411(5), CRS, when in the acquisition of new ROW, the PCPW overtakes a utility's real property interest, the PCPW may:

2.1.2.5.1 acquire a replacement property interest for the utility or reimburse the utility for the reasonable cost of acquiring its own replacement interest, the reasonableness of which will be determined by the PCPW after consultation with the utility; or

2.1.2.5.2 where it is not necessary, by virtue of the nature of the transportation project to relocate utility facilities, the PCPW may enter into a common use agreement or other type of agreement with the utility that allows a property interest to exist within ROW; or

2.1.2.5.3 if the utility must relocate within the ROW and if a replacement interest is not acquired, the utility may be justly compensated to the extent allowable in accordance with Colorado eminent domain law and precedent for the value of its real property interest; or

2.1.2.5.4 if the relocation of a utility's facility is necessitated by a transportation project and the said utility elects to relocate their facilities within the ROW, the PCPW may enter into a common use agreement, or a utility permit, with the utility that allows reimbursement for future relocations of the said utility's facilities provided that the utility vacates all property interest that exist within the ROW.

2.2 Utility Permits to the County Highway System

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2.2.1 Requirement to Obtain a Permit

2.2.1.1 Utility owners must obtain a permit from the PCPW prior to performing any utility accommodation work, including the initial installation, maintenance, or removal of facilities.

2.2.1.2 The utility must obtain a new or revised permit for any work which is not expressly described in the language of the scope of work of an existing permit. The PCPW may issue an annual maintenance permit, depending upon the utility type, traffic and roadway characteristics, for planned or emergency maintenance activities.

2.2.1.3 Annual Maintenance Permits may be issued at the discretion of PCPW, with the following conditions;

2.2.1.3.1 The annual maintenance permit is valid from the date of issuance through December 31st of the year issued. The permit shall only be issued to the Utility facility Owner.

2.2.1.3.2 The permit holder and/or contractor do not need to contact or give advance notice to PCPW for maintenance work which is confined to areas beyond the traveled way and contiguous shoulders and which does not require the active control or rerouting of traffic.

2.2.1.3.3 The permit holder and/or contractor shall give advance notice to PCPW at PWROWpermits@parkco.us for maintenance work which is within the traveled way and contiguous shoulders, including any part of any work zone and/or vehicles parked within five (5') feet of the traveled way and contiguous shoulders and/or requires the active control or rerouting of traffic.

2.2.1.3.4 When advance notice is required the permit holder and/or contractor shall give said notice a minimum of **two (2) full business days prior to work beginning, not including the day of notice**. Such notification shall include location(s) of intended work, a description of the maintenance work to be done, an estimated construction schedule related to specific locations, a description and/or copy of the MUTCD compliant Traffic Control Plan (TCP) to be used in each location and the name and contact information for the contractor and the person in charge on-site.

2.2.1.3.5 Occurrence of two cases of failure by a permittee to properly notify PCPW of the permit holder's intent to work, including all of the required information, will constitute sufficient cause to revoke a permit. If a permit is revoked, PCPW may require separate permits for future related work or, at their discretion, issue a new annual maintenance permit. This applies to normal maintenance work only, not emergency repair work, which has its own set of requirements designed to allow for the necessary continuance of service. See Section 2.3.3.6 of this Code for emergency repair work requirements.

2.2.1.3.6 Permitted maintenance activities under this annual permit without prior approval from PCPW include: pole replacement due to age and/or condition with the same size pole; repair and/or replacement of damaged pedestals or cabinets; removal of existing utility facilities, excluding removal necessitating excavation of any kind; replacement of existing utility facilities with the same size facilities, precluding any excavation; transformer, insulators and/or fuse upgrades; guy line removal or replacement. Other normal maintenance activities may be included when requested and approved in writing. MUTCD requirements and guidelines shall still be in effect even if advance notice is not required.

2.2.1.3.7 An annual maintenance permit shall not authorize the installation of any new facilities. It shall not authorize any excavation, or the disturbance of pavement, chip seal or other hard surface. An annual maintenance permit does not cover emergency repairs, see Section 2.3.3.6 of this Code for emergency repair procedures.

2.2.1.3.8 A copy of the annual maintenance permit, and of the approved TCP, shall be kept on-site at all times that work is in progress.

2.2.1.3.9 Park County requires the permittee to file a $10,000.00 guarantee of financial security payable to the County in the event of compensatory damage(s) resulting from any work associated with the permit. The guarantee may be In the form of cash, federally-insured Certificates of Deposit, irrevocable letters of credit issued by a bank acceptable to Park County, surety bonds issued by a company authorized to do business in Colorado, written guarantees backed by collateral acceptable by Park County, or any other form, or combination of forms, established by Park County. This requirement may occur before issuing the permit or at any time during the term of the permit at Park County's discretion.

2.2.1.3.10 All maintenance work shall be governed by the most recent versions of the Code, County Standards and the LURs. The utility and/or contractor shall follow all industry standards and Federal, State and local jurisdiction codes in effect at the time of work.

2.2.1.3.11 MUTCD compliant traffic control is required at all work locations.

2.2.1.3.12 Insurance and environmental clearance regulations for all maintenance permits are the same as any other permit found in this Code.

2.2.1.3.13 All affected areas must be returned to their original (or better) condition, including removal of all spoils (material) at the conclusion of the maintenance work.

2.2.1.3.14 The permit holder and/or contractor shall not allow work to be done between sunset and sunrise nor on Saturdays, Sundays or holidays except as approved by PCPW in advance and in writing. A copy of the signed approval must be on the work site during the approved timeframe.

2.2.1.3.15 PCPW may specify and/or restrict the permit holder and/or contractor's access to perform the permitted activities due to adverse weather, insufficient visibility or other conditions not conducive to safe and efficient traffic operations and/or other interactions with the public.

2.2.1.3.16 The permit holder and/or contractor is responsible to arrange for all locates in the work zone prior to any work being done.

2.2.1.3.17 The permit holder is liable for any and all damages caused to any property, whether publicly or privately owned, due to work performed under or in conjunction with the permit.

2.2.1.3.18 Maintenance work on any one section of a utility facility longer than three hundred feet (300') requires a new permit and may not be done under an annual utility maintenance permit.

2.2.1.3.19 All clearances, heights, depths or other construction requirements found in this Code shall apply to any work done under an annual utility maintenance permit.

2.2.2 Application for a Utility Permit

2.2.2.1 An applicant must submit an application for a permit to the office of the PCPW, either in person at 1246 CR 16 Fairplay, CO 80440, or by email to PWROWpermits@parkco.us .

2.2.2.2 The application must be in writing on a PCPW prescribed form, which is available from the PCPW's offices or online. The application must include a complete description of the purpose, nature and specific location of planned work, and the anticipated dates to start and complete that work. The application must include a scope of the proposed activities to be covered by a permit, including type and size of utility facility, proposed utility plans, traffic control plans, and methods used to perform the work. The application must describe that information in sufficient detail to enable the PCPW to determine exactly what work is proposed. A current fee schedule can be obtained from PCPW.

2.2.2.3 If the applicant is other than the utility owner, the application must include written evidence granting the applicant's authority to act as an agent for the utility owner. Such evidence shall be a notarized statement by the utility owner that it grants the applicant such authority. Such written evidence shall acknowledge that the utility owner understands that the permit will only be issued to the utility owner, regardless of who applies for the permit.

2.2.2.4 The applicant shall submit reasonably necessary additional items of information, if any, as requested by the PCPW in conjunction with a permit application, including but not limited to:

2.2.2.4.1 highway and utility plan and profile information; and

2.2.2.4.2 utility facility design; and

2.2.2.4.3 existing and/or proposed locations of other facilities within the affected area, if known at the time of application. If unknown facilities are found during locate work, PCPW shall be notified and appropriate actions, including redesign if needed, shall be implemented and noted on the permit; and

2.2.2.4.4 evidence of adequate, current liability insurance coverage of the proposed work; and

2.2.2.4.5 available Global Positioning System (GPS) coordinates for all proposed work.

2.2.3 Action on the Application; Issuance of Permit

2.2.3.1 The PCPW may refuse to accept or consider any incomplete application that lacks necessary information or detail.

2.2.3.2 When a completed application is received, the PCPW shall have a minimum of five (5) business days, and a maximum of ten (10) business days (barring unforeseen circumstances), to evaluate and act on the application in accordance with the Code. For any applications involving extraordinary circumstances, the PCPW shall negotiate additional reasonable time, as necessary, to completely review and act on an application.

2.2.3.3 If the PCPW denies the permit requested by the application per Section 2.2.6.1 of this Code, a copy of the permit application marked "Denied," together with a written explanation of the grounds for the denial shall immediately be provided.

2.2.3.4 If the PCPW preliminarily approves the permit requested by the application, it will prepare and transmit to the applicant for signature a written, signed and dated permit containing standard provisions, applicable special provisions and other terms and conditions. The permit will be prepared using the PCPW's prescribed form. The applicant must sign the permit and return it to the PCPW at PWROWpermits@parkco.us not later than thirty (30) days after transmittal date. The applicant shall keep for their records a copy of the permit with both signatures. A copy of this permit with both signatures and a copy of the approved TCP shall be on hand at the work site at all times.

2.2.3.5 The effective date of the permit shall be the date the PCPW receives the permit with both signatures. A permit shall not be effective or valid until it is signed by the applicant and the PCPW, with the date of issuance properly affixed thereto.

2.2.3.6 If the applicant does not sign the permit, or does not agree to all the terms and conditions of the permit, or does not return the signed permit within that 30 day

period, then the PCPW shall have no obligation to take further action on the permit, and the permit shall become null and void.

2.2.4 Utility Permits Requiring Third Party Approval

2.2.4.1 The applicant must obtain the approval of a third party, and agree to terms and all conditions imposed by that third party, before the PCPW will approve a permit in certain circumstances, which may include but not be limited to:

2.2.4.1.1 applications wherein the proposed accommodation is on federal lands and the ROW grant is for highway purposes only. In such cases, the applicant must first obtain permission from, and comply with the requirements of, the federal agency having jurisdiction over the underlying land; or

2.2.4.1.2 proposed utility accommodation wherein others hold an overlapping easement or other real property interest in a portion of ROW. In such cases, the application must include written evidence that the overlapping easement or other real property interest owner concurs with the application; or

2.2.4.1.3 required FHWA concurrence when the proposed accommodation is on the ROW of a federal aid highway and either:

2.2.4.1.3.1 does not conform with applicable federal regulations; or

2.2.4.1.3.2 does not comply with the Code; or

2.2.4.1.3.3 involves longitudinal use of the ROW by a private line as described in Section 3.2.5 of this Code; or

2.2.4.1.3.4 the proposed accommodation involves the joint use of another utility owner's facility or facilities, or involves the co-location of two or more utility facilities in a common trench or conduit.

2.2.4.2 Any necessary FHWA approval under Section 2.2.4.1 of this Code will be requested by the PCPW during the permit application review process. The applicant shall be solely responsible to request and obtain all other approvals required under Section 2.2.4.1 of this Code.

2.2.4.3 The applicant must identify and address the need for any such third party approval in the application. The PCPW will advise the applicant of such needs that it is aware of, and will make the permit expressly subject to prior written approval of such third parties, or may require reasonable evidence of such approvals.

2.2.4.4 If a permit is issued, it will contain, or incorporate by reference, all terms and conditions required by such third parties.

2.2.4.5 Environmental clearances must be obtained as described in Section 3.1.7 of this Code.

2.2.5 Variance Procedures

2.2.5.1 The applicant must submit a written request, as part of the permit application, if seeking a variance from any requirement of the Code. The request shall describe the proposed variance, and the specific reasons for the variance.

2.2.5.2 In determining whether to grant a variance the PCPW will consider all relevant factors, including whether:

2.2.5.2.1 a variance is reasonably necessary for the convenience, safety and/or welfare of the public; or

2.2.5.2.2 there is exceptional or undue financial burden or other hardship on the applicant, or a physical impracticability; or

2.2.5.2.3 a variance will not impair the highway, highway operations, maintenance, safety or otherwise conflict with the purposes of the Code; or

2.2.5.2.4 a variance would not be detrimental to the public health, welfare and/or safety.

2.2.5.2.5 If a variance from any permit or Code requirement or condition becomes necessary after work has started on any permit, then a request for variance must be submitted by email to PWROWpermits@parkco.us. All work affected by the variance request shall cease until such time as the variance has been granted. Work plans and/or TCPs shall be adjusted to account for any variance according to current MUTCD guidelines.

2.2.5.2.6 Any variance request shall be either approved or denied by PCPW within fifteen (15) business days of receiving said request, and the decision shall be sent to the permit holder via email.

2.2.6 Denial, Suspension, Modification or Revocation of Permit

2.2.6.1 The PCPW may deny a permit if the requested utility accommodation does not comply with the Code or applicable law, or otherwise endangers the public health, safety and/or welfare.

2.2.6.2 The PCPW may suspend, limit, modify, revoke or refuse to renew or revise a previously issued permit if:

2.2.6.2.1 the application contains any material misrepresentations, false information, or its approval was otherwise obtained fraudulently and/or in bad faith; or

2.2.6.2.2 the permitted work is performed in violation of the terms and/or conditions of the permit, the requirements of the Code or any other applicable law; or

2.2.6.2.3 the permittee fails to satisfactorily perform, in a timely manner, any obligation imposed by the permit or the Code; or

2.2.6.2.4 such action is necessary to protect the highway facility, or otherwise protect the public health, safety and/or welfare.

2.2.7 Appeals

2.2.7.1 A utility owner may request the Issuing Authority to reconsider, on an informal basis, any objections to or requested revisions of Section 2.2.6 of this Code permit actions without prejudicing the right of the utility owner to the formal review procedures contained in this Code. If so requested, the PCPW may informally reconsider its action and may revise the permit accordingly, issue a new permit or require an applicant to submit a new application for consideration.

2.2.7.2 A utility owner may also formally appeal Section 2.2.6 of this Code permit actions. Such appeal and request for hearing shall comply with the following provisions:

2.2.7.2.1 should the utility owner object to the denial of a permit application by the PCPW or to any of the PCPW terms or conditions of a permit, the utility owner has a right to appeal that PCPW decision. To appeal a decision, a request for an administrative hearing shall be submitted to the PCPW within sixty (60) days of transmittal of notice of denial or transmittal of the permit for signature. A request for a hearing shall be submitted to the PCPW offices, 1246 CR 16 Fairplay, CO 80440, or to ROWpermits@parkco.us . The request shall include the reasons for the appeal and may include changes, revisions, or conditions that would be acceptable to the utility owner; and

2.2.7.2.2 upon proper request by the utility owner, a hearing shall be commenced within ninety (90) days of the receipt of the appeal, unless otherwise agreed upon. Prior to a formal hearing, the appeal shall be heard first by a PCPW ROW Inspector, then by the PCPW ROW Manager (ROW Manager) if not resolved, then by the PCPW Director (Director) if not resolved, then by the County Manager (Manager) if not resolved. The Manager's decision shall be the final word on the matter.

2.2.7.2.3 The hearing shall be conducted in a timely and civil manner; and

2.2.7.2.4 PCPW shall electronically record the proceedings or hold the hearing before a certified court reporter; and

2.2.7.2.5 the utility shall have the burden of proof, by a preponderance of the evidence, relating to the PCPW's decision regarding the utility permit; and

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2.2.7.2.6 within ten (10) days of the hearing, if an agreement regarding the utilities objection has not been reached, PCPW shall make a recommendation regarding the validity of the PCPW's action on the utility permit. The recommendation shall be given to the Director and the Manager. The recommendation shall be in writing and contain a Statement of Findings and Conclusions upon all the material issues of fact, law or discretion presented by the record and shall enter an appropriate order sanctioning or denying relief. The recommendation shall not be binding on the Director or the Manager.

2.2.7.2.7 The Director and the Manager shall take the recommendation of the PCPW under advisement and shall make a final decision on the utility permit within thirty (30) days of receipt of the recommendation. The decision of the Director and Manager shall be in writing and sent to all of the parties. The decision of the Director and Manager shall be the final agency action of the PCPW regarding the objection.

2.3 Installation, Operation and Maintenance

2.3.1 Construction and Inspection

2.3.1.1 The permittee shall keep a copy of the completed utility permit signed by both parties, including approved plans, approved TCP, insurance and other required attachments at the accommodation work site at all times. All such documents and all the utility accommodation work shall be subject to PCPW review at all reasonable times.

2.3.1.2 An approved permit will specify the completion date for all the accommodation work, which work shall include final cleanup. The permittee shall not perform any work after that date without the prior written PCPW approval. A permit shall expire automatically if the construction work approved therein has not commenced within one (1) year after permit issuance or approved extension date. A one time, six (6) month extension may be issued.

2.3.1.3 The permittee shall provide notice to the PCPW at the following times:

2.3.1.3.1 at least **two (2) full business days, not including the day of notice,** prior to commencing work, or resuming operations which have been suspended for five (5) or more consecutive business days; and

2.3.1.3.2 promptly upon completion of the work; or

2.3.1.3.3 when otherwise specified in the permit or as ordered by the PCPW.

2.3.1.4 The PCPW may designate an inspector during permit operations, to assist with coordinating the work and inspect the work during progress and upon completion.

2.3.1.5 The PCPW shall determine the extent of necessary inspection services.

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2.3.1.6 The permittee may request additional inspections. There may be an additional fee for any requested inspections.

2.3.1.7 Remediation of any unacceptable work under the approved permit shall be as ordered by the PCPW and completed in a timely manner prior to any further work, as determined by the PCPW.

2.3.1.8 The permittee shall attend a final site inspection, if directed by the PCPW. The permittee may attend a final inspection of their own volition, even if not directed by the PCPW.

2.3.1.9 The permittee shall comply with all requirements related to the performance of planned or ongoing highway construction work, or other utility work, in the same area of the ROW, in order to coordinate the performance of any such work and minimize public inconvenience and cost.

2.3.1.10 When utility operations encounter areas of previously unknown historical or ecological significance, the permittee shall immediately avoid any further disturbance thereof, and shall promptly notify and follow any subsequent PCPW and/or other applicable Federal, State or local agency rules and regulations.

2.3.1.11 If utility operations cause or observe hazardous materials spills or illicit discharges, the permittee shall immediately notify the PCPW and any other interested Federal, State and local agencies. If the utility construction causes an illicit discharge that may potentially enter into any State waters, as described in Section 3.1.7.13.7 of this Code, operations must cease until the discharge has been properly contained and the appropriate corrective measures have been implemented. An illicit discharge is any discharge that is not composed entirely of CDPS-permitted stormwater and allowable non-stormwater discharges.

2.3.1.12 If utility operations are not being carried out in compliance with the terms and conditions of the permit, the PCPW may order the utility to perform whatever corrective measures are necessary to attain compliance. If there is an imminent danger to the public's health, safety or welfare, the PCPW may order the utility to cease all operations, and if necessary, to remove all equipment and facilities from the ROW.

2.3.1.13 If no permit has been issued for utility work in the ROW, the PCPW shall order the utility to immediately cease all operations until such time as a permit is obtained. If deemed by the PCPW to be necessary for the public's health, safety or welfare, the PCPW may order the utility to remove all equipment and/or facilities from the ROW. The permit issued for the work may include whatever terms and conditions necessary to correct any improperly performed work and attain Code compliance.

2.3.2 Plan Revisions or Altered Work

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2.3.2.1 The permittee shall not revise the plans or methods of performing the work covered in the permit without prior written PCPW approval.

2.3.2.2 The permittee shall promptly notify the PCPW of any desired changes, or if site conditions are encountered which may require changes.

2.3.2.3 The PCPW may approve and/or order minor changes in the plans and/or methods that are within the scope of the existing permit.

2.3.2.4 The permittee must apply for, and receive a new or revised permit before performing any major change(s) in the work.

2.3.3 Operation and Maintenance

2.3.3.1 The permittee shall operate and maintain all utility facilities in ROW in accordance with the permit, either the initial permit or any subsequent individual or annual maintenance permit, and in a manner that does not impair traffic safety or unreasonably interfere with the operation and maintenance of the County highway system or ROW.

2.3.3.2 A permit will describe the scope of work and conditions thereto, and of maintenance activities that may be performed without prior notice to and/or PCPW approval. The permittee shall provide written notice to, and if necessary obtain a new permit from, the PCPW before performing any maintenance not expressly covered in the permit.

2.3.3.3 The PCPW shall be given proper advance notice, as specified in the permit, whenever maintenance work will affect the movement and/or safety of traffic.

2.3.3.4 To determine if the permittee must obtain a new permit for maintenance activities, the PCPW shall consider all relevant factors, including:

2.3.3.4.1 extent and duration of the work; and

2.3.3.4.2 traffic control requirements; and

2.3.3.4.3 required construction or excavation within ROW.

2.3.3.5 Notwithstanding Section 2.3.2 of this Code, and unless any area within expressway or freeway ROW is being accessed per Section 3.2.2 of this Code, an annual maintenance permit may be issued, and the permittee need not provide written notice before performing the following activities:

2.3.3.5.1 maintenance work which is confined to areas beyond the traveled way and contiguous shoulders, which does not require new excavation or construction, and

which does not require the active control or rerouting of traffic; and as per Section 2.2.1.2 of this Code.

2.3.3.6 Emergency repairs not affecting the movement or safety of traffic may be performed without prior notice to the PCPW. The permittee shall notify the PCPW no later than two (2) business days after the repairs are completed, and shall comply with the terms of the initial permit for the facility, as well as any subsequent permit issued to cover site restoration activities. Any subsequent permit for completed work shall be obtained within seventy-two (72) hours of completing an emergency repair. If emergency repairs will affect the movement or safety of traffic, an MUTCD compliant TCP must be developed, submitted to PWROWpermits@parkco.us and approved. The permittee shall, before commencing such repairs, notify the PCPW and the appropriate law enforcement agency to coordinate traffic safety measures.

2.3.3.7 If the utility facility unreasonably interferes with or impairs any necessary highway function, the permittee shall, upon reasonable notice from the PCPW, shut off utility lines, remove combustible or hazardous materials from ROW, provide necessary temporary safeguards and take other appropriate actions as directed by the PCPW.

2.3.3.8 The permittee shall provide written notice to the PCPW and obtain written approval prior to any change in the carrying capacity of the utility's facility before implementing such change.

2.3.3.9 The permittee shall contact the PCPW immediately if, during any operation and maintenance procedure, an illicit discharge or improper connection is observed.

2.3.4 Safety Corrective Measures

2.3.4.1 The permittee shall promptly perform any corrective safety measures that the PCPW, after consultation with the utility owner and others, deems necessary to protect the public health, safety or welfare and has notified the permittee in writing thereof.

2.3.4.2 The permittee's performance of the safety corrective measures shall conform to the Code.

2.3.4.3 When the public health, safety or welfare require that any corrective measures be performed immediately, and if the permittee is unable or unwilling to take such action, the PCPW may perform those corrective measures, pending a determination of responsibility and an allocation of cost for that performance.

2.3.5 Utility Relocations Initiated by the PCPW

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2.3.5.1 The utility shall relocate its existing facilities when the PCPW provides reasonable notice to the utility in writing that the relocation is necessary due to a transportation project or other transportation purpose. The notice shall include all available and relevant information including the PCPW's planned timeframe within which the utility relocation work must be completed. If the relocation of the company's facilities is necessitated by a transportation project, the PCPW shall provide written notice to the utility.

2.3.5.2 When the utility owner is required to relocate existing utility facilities, the utility owner may assist the PCPW to develop schedules and alternatives concerning the new location of the facilities. The PCPW will consider the impact of new transportation projects on existing utilities during project development.

2.3.5.3 The utility shall relocate its facilities in compliance with all terms of the permit. The permit shall be prepared using the PCPW's prescribed form.

2.3.5.4 The utility shall perform the relocation at or within a time convenient to, and in proper coordination with, the project or transportation-related activity, to minimize public inconvenience and cost, as directed by the PCPW.

2.3.5.5 Every permit shall be contingent upon and subject to the right of the PCPW to require the utility, upon reasonable written notice, to relocate facilities as necessary for any transportation purpose.

2.3.5.6 Relocations associated with Design-Build Contracts shall conform to the provisions of Part 14 of Article 1, Title 43 CRS.

2.3.5.7 Utility relocation cost responsibilities are described in Section 2.1.2 of this Code.

2.3.6 Illegal or Nonconforming Installations or Activities

2.3.6.1 The utility owner shall, after receiving written notice from the PCPW:

2.3.6.1.1 promptly remove any utility facility which was constructed, installed, revised or relocated without a utility permit or in violation of the terms of a permit after the effective date of the Code; and

2.3.6.1.2 immediately cease all unauthorized utility activities; and

2.3.6.1.3 promptly perform remedial actions to attain compliance with the terms and conditions of a permit that was issued after the effective date of the Code; and

2.3.6.1.4 immediately suspend the permitted operation/maintenance of the facility when it is determined that the permittee has committed a deliberate and willful violation of the Code or permit and the public safety, health or welfare requires emergency action.

2.3.6.2 Remedial actions, concerning utility accommodations that existed prior to the effective date of the Code, are subject to the provisions of Section 1.4.10.

2.3.7 Abandonment, Retirement, Change in Ownership

2.3.7.1 The utility shall notify the PCPW in writing of the planned inactivation of a facility or any portion thereof, including plans for removing the facility or a request to retire or abandon the facility in-place.

2.3.7.2 The PCPW may allow a retired facility to remain in place. The retired facility shall remain the utility's sole responsibility, and is subject to all provisions of the Code and all terms and conditions of the permit issued for that facility, including maintenance and relocation requirements. The PCPW shall notify the utility in writing when the facilities may be retired in place, along with any applicable special conditions, which should include, at a minimum, as built plans of the abandoned facility.

2.3.7.3 The utility shall promptly remove all abandoned facilities from the ROW and promptly restore the ROW to pre-existing or other conditions prescribed by the PCPW, within a reasonable time frame determined by PCPW unless the utility requests, and the PCPW expressly allows, the facility to remain in place. Both the request and the authorization must be in writing. Written notice from the PCPW, allowing an abandoned facility to remain in place, may include special conditions.

2.3.7.4 In determining whether to allow abandoned or retired facilities to remain in place, the PCPW may consider such factors as:

2.3.7.4.1 present or potential congestion of utility installations; and

2.3.7.4.2 highway construction and/or maintenance requirements; and

2.3.7.4.3 cost and/or difficulty of removal; and

2.3.7.4.4 presence of hazardous materials such as asbestos; and

2.3.7.4.5 the potential for the facilities removal by the PCPW at some future date; and

2.3.7.4.6 traffic and/or safety requirements.

2.3.7.5 The PCPW will notify the utility in writing of the determination if and/or when the facilities must be removed.

2.3.7.6 If utility facilities are allowed to be retired or abandoned in place, the utility shall, if directed by the PCPW to:

2.3.7.6.1 cap, plug or fill lines; and

2.3.7.6.2 furnish to PCPW suitable location records for any such buried facilities; and

2.3.7.6.3 maintain records of such facilities in perpetuity and respond to locate notices and requests from the UNCC, or others. In providing such services, the utility shall indicate to the requesting entity whether or not the subject facilities are retired or abandoned; and

2.3.7.6.4 perform any other actions as deemed necessary by the PCPW to protect the transportation facility or the traveling public.

2.3.7.7 When transferring ownership of utility facilities, both the original permittee and the new owner shall notify the PCPW in writing prior to the change, and such notice shall indicate the planned date of change. The notice from the new owner shall include a written statement accepting all terms and conditions of the existing permit, effective upon the planned date of ownership change.

2.3.7.8 Utility facilities containing asbestos shall not be abandoned in-place. Such facilities must be removed from the ROW when removed from service. The PCPW may, after review of any requested environmental, engineering, safety or other studies, allow such facilities to be retired in-place, with the owner retaining full legal responsibility for the facilities.

3.0 ACCOMMODATION STANDARDS

3.1 General

3.1.1 Use of Highways for Non-Highway Purposes

3.1.1.1 Utilities may only be accommodated within ROW when such accommodations do not adversely affect highway or traffic safety, or otherwise impair the highway or its aesthetic quality, and do not conflict with the provisions of Federal, State, or local laws or regulations.

3.1.2 Utilities Which Serve a Highway Purpose

3.1.2.1 The applicability of the Code's location standards will be addressed in the service agreement.

3.1.2.2 The PCPW reserves the right to amend or waive Code requirements.

3.1.3 Joint Use Utility Facilities

3.1.3.1 Utilities shall implement joint use design alternatives where the PCPW determines it is necessary or prudent for the safe and efficient use of the ROW, especially in developing areas subject to a proliferation of individual utility installations. When

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so directed by the PCPW, the permittee is responsible for proper coordination with other affected utilities. Joint use facilities shall comply with all applicable industry guidelines and standards.

3.1.4 Utility Permit Standard and Special Provisions

3.1.4.1 Utility owner shall comply with all permit terms and conditions, including but not limited to, permit standard provisions, and any designated as special provisions.

3.1.5 Liability Insurance and Indemnification

3.1.5.1 The utility owner shall ensure that all permitted operations, whether performed by the utility owner or by subcontractors, are adequately and continuously covered by liability insurance.

Insurance Requirements for Utility and Special-Use Permits

A. The Permittee shall obtain, and maintain at all times during the performance of work authorized by this Permit, insurance in the following kinds and amounts. The Permittee shall require any Contractor working for them within the County Highway System Right of Way to obtain like coverage. The Permittee shall also require any Contractor or Consultant performing work described in sub-paragraph 4) below, to obtain Professional Liability Insurance.

1) Workers' Compensation Insurance as required by state statute, and Employer's Liability Insurance covering all employees acting within the course and scope of their employment and work on the activities authorized by this Permit.

2) Commercial General Liability Insurance written on ISO occurrence form CG 00 01 10/93 or equivalent, covering premises, operations, fire damage, independent Consultants, products and completed operations, blanket contractual liability, personal injury and advertising liability with minimum limits as follows:

a. $1,000,000 each occurrence;

b. $2,000,000 general aggregate;

c. $2,000,000 products and completed operations aggregate; and

d. $50,000 any one fire.

e. For any permanent Permittee-owned installations located within the County Highway System Right of Way, highway repairs, or site restoration, Completed Operations coverage shall be provided for a minimum period of one year following final acceptance of work.

If any aggregate limit is reduced below $1,000,000 because of claims made or paid, the Permittee, or as applicable - their Contractor, shall immediately obtain additional insurance to restore the full aggregate limit and furnish to

the PCPW a certificate or other document satisfactory to PCPW showing compliance with this provision.

3) Automobile Liability Insurance covering any auto (including owned, hired and non-owned autos) with a minimum limit as follows: $1,000,000 each accident combined single limit.

4) For any: a) engineering design; b) construction inspection; or, c) traffic control plans approved by a Traffic Control Supervisor; done in association with the operations or installations authorized by this permit, Professional Liability Insurance with minimum limits of liability of not less than $1,000,000 Each Claim and $1,000,000 Annual Aggregate. If the policy is written on a Claims Made form, the Permittee, or, as applicable – their Consultant or Contractor, shall renew and maintain Professional Liability Insurance for a minimum of two years following final acceptance of the work, or provide a project specific Policy with a two year extended reporting provision.

5) Pollution Legal Liability Insurance with minimum limits of liability of $1,000,000 Each Claim and $1,000,000 Annual Aggregate. The County shall be named as an additional insured to the Pollution Legal Liability policy. If the Policy is a component of the Professional Liability Policy, the Additional Insured requirement is waived, and the Policy shall be written on a Claims Made form, with an extended reporting period of at least two year following final acceptance of the work.

6) Umbrella or Excess Liability Insurance with minimum limits of $1,000,000. This policy shall become primary (drop down) in the event the primary Liability Policy limits are impaired or exhausted. The Policy shall be written on an Occurrence form and shall be following form of the primary. The following form Excess Liability shall include the County as an additional insured.

B. The County shall be named as additional insured on the Commercial General Liability and Automobile Liability Insurance policies. Completed operations additional insured coverage shall be on endorsements CG 2010 11/85, CG 2037, or equivalent. Coverage required by the Permit will be primary over any insurance or self-insurance program carried by the County.

C. The Insurance shall include provisions preventing cancellation or non-renewal without at least thirty (30) days prior notice to PCPW by certified mail at P. O. Box 147 Fairplay, CO 80440.

D. The Permittee, or, as applicable, their Contractor or Consultant, will require all insurance policies in any way related to the Permit and secured and maintained by the Permittee, Contractor or Consultant, to include clauses stating that each carrier will waive all rights of recovery, under subrogation or otherwise, against the County, its agencies, institutions, organizations, officers, agents, employees and volunteers.

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E. All policies evidencing the insurance coverages required hereunder shall be issued by insurance companies satisfactory to PCPW.

F. The Permittee, or as applicable, their Contractor or Consultant, shall provide certificates showing insurance coverage required by this Permit to PCPW prior to commencing wok. No later than fifteen (15) days prior to the expiration date of any such coverage, the Permittee, Contractor or Consultant, shall deliver to PCPW certificates of insurance evidencing renewals thereof. At any time during the term of this contract, PCPW may request in writing, and the Permittee, Contractor or Consultant, shall thereupon within ten (10) days supply to PCPW, evidence satisfactory to PCPW of compliance with the provisions of this section.

G. Notwithstanding subsection A of this section, if the Permittee is a "public entity" within the meaning of the Colorado Governmental Immunity Act CRS 24-10-101, et seq., as amended ("Act'), the Permittee shall at all times during the term of this permit maintain only such liability insurance, by commercial policy or self-insurance, as is necessary to meet its liabilities under the Act. Upon request by PCPW, the Permittee shall show proof of such insurance satisfactory to PCPW. Public entity Permittees are not required to name the County as an Additional Insured.

H. If the Permittee engages a Contractor and/or Consultant to act independently from the Permittee on the permitted work, that Contractor and/or Consultant shall be required to provide an endorsement naming the County as an Additional Insured on their Commercial General Liability, Auto Liability, Pollution Legal Liability and Umbrella or Excess Liability policies.

3.1.5.2 Policies shall name the PCPW and the County as an additional insured party, and to provide for advance notification to both in the event of cancellation of coverage. This requirement is not applicable to other government entities.

3.1.5.3 Before commencing any work on any ROW, the utility owner shall furnish or cause to be furnished certificates of insurance in a form satisfactory to the PCPW certifying that the policies are in full force and effect. Insurance documentation shall be available on site at all times during the work.

3.1.5.4 Utilities that frequently operate within the County Highway System ROW may, with the PCPW's concurrence, annually or semi-annually file appropriate insurance documentation which demonstrates adequate and continual coverage of all permit operations.

3.1.5.5 To the extent authorized by the law, the utility shall hold harmless the County, its employees and agents, against any action for personal injury or property damage caused by or growing out of any act or omission regarding the use or occupancy of ROW by the utility owner or by the utility's facilities.

3.1.6 Right of Way Considerations

3.1.6.1 In the location and design of its facilities, a utility owner shall:

3.1.6.1.1 consider the need to conserve space for the future accommodation of other utility facilities; and

3.1.6.1.2 anticipate future expansion requirements and, when feasible, install additional carrying capacity to meet such needs; and

3.1.6.1.3 as directed by the PCPW, per Section 3.1.3.1 of the Code, utility owners shall enter into joint use arrangements with other utilities whenever feasible; and

3.1.6.1.4 design facilities so as to minimize interference with the operation or maintenance of other pre-existing utility facilities.

3.1.6.2 The PCPW may deny a proposed utility use or occupancy of the ROW, based on highway user needs, safety or other criteria as set forth in 23 CFR 645 B.

3.1.6.3 When the highway is adjacent to agricultural lands, the PCPW may deny a proposed utility use or occupancy of the ROW, but only when such denial is consistent with the provisions of 23 CFR 645.211(c).

3.1.7 Environmental Compliance

3.1.7.1 Where significant adverse social, economic or environmental impacts may result from the accommodation work, the utility owner shall comply with applicable Federal, State and local laws, regulations and codes.

3.1.7.2 The utility owner shall comply with the "Colorado Air Quality Control Act," Title 25, Article 7, CRS, and regulations promulgated thereunder.

3.1.7.3 Utility operations shall comply with the maximum permissible noise levels and related requirements, prescribed in § 25-12-103, CRS and County noise ordinances.

3.1.7.4 The utility owner shall mimimize the generation of hazardous wastes as defined in § 25-15-101(9), CRS resulting from permitted operations, shall promptly remove any such wastes from ROW, and shall arrange for the proper treatment, storage, reuse, and/or disposal of such wastes in accordance with the provisions of Title 25, Article 15, CRS, and regulations promulgated thereunder.

3.1.7.5 As directed, the utility shall perform an appropriate environmental site assessment to determine whether a proposed buried installation would facilitate the underground migration of hazardous wastes from a known site and, if so, shall employ construction methods, as directed or approved by the PCPW, to prevent such migration.

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3.1.7.6 The utility shall comply with the "Colorado Water Quality Control Act," Title 25, Article 8, CRS, the "Protection of Fishing Streams," Title 33, Article 5, CRS, the "Clean Water Act," with promulgated regulations and certifications issued. Temporary erosion and sediment control shall be provided in accordance with Sections 3.4.7 and 3.4.8 of the Code.

3.1.7.7 The utility shall comply with all requirements of an applicable permit and all special conditions thereto, issued by the US Army Corps of Engineers, when placing dredged or fill materials in waters of the US for utility line crossings, intake or outfall structures.

3.1.7.8 When directed by the PCPW, the utility shall perform advance natural resources investigations in the vicinity of all proposed buried or above-ground installation, as necessary, to comply with the Endangered Species Act of 1973, as amended, the Migratory Bird Treaty Act, and the Bald and Golden Eagle Protection Act. The Endangered Species Act requires a permit to harass, harm, or take any species listed by the U.S. Fish & Wildlife Service as threatened or endangered. The Migratory Bird Treaty Act and Bald and/or Golden Eagle Protection Act prohibit harm, harassment, or taking of bald and golden eagles and other migratory birds and their nests. Additionally, the utility shall coordinate with the PCPW and the Colorado Division of Wildlife a minimum of ninety (90) days in advance of construction within or adjacent to active stream channels in order to ensure compliance with § 33-5-101, CRS.

3.1.7.9 The utility shall avoid construction or other activity in wetlands unless there is no practicable alternative to such construction or activity and provided that all practicable measures are taken to minimize harm to wetlands which may result from such use. The utility shall perform any permitted work in wetlands in accordance with the Code, Federal, State or local rules and regulations, and as directed by the PCPW.

3.1.7.10 When directed by the PCPW, the utility shall perform advance cultural resources investigations, as necessary for the utility to comply with the "Colorado Historical, Prehistorical, and Archaeological Resources Act," Title 24, Article 80, CRS, the "Colorado Register of Historical Places Act," Title 24, Article 80.1, CRS, and all applicable Federal, State and local agency rules and regulations.

3.1.7.11 Any cultural resources investigation required by Section 3.1.7.10 of the Code shall be performed by a Colorado permitted archaeologist. Such investigations, and proposed mitigation if any, shall be subject to review and concurrence by the Colorado State and County Historic Preservation Officers. Any permit issued shall include all mitigation measures prescribed as a result of such investigations.

3.1.7.12 When directed by the PCPW, the utility shall perform advance paleontological resources investigations in the vicinity of a proposed buried installation, as necessary for the PCPW to comply with the Colorado Historical, Prehistorical, and

Archaeological Resources Act, Title 24, Article 80, CRS. Any paleontological resources investigation required shall be performed by a paleontologist permitted by the Colorado Office of Archaeology and Historic Preservation. Such investigations, and proposed mitigation if any, shall be subject to review and concurrence by the PCPW. Any permits, shall include all mitigations prescribed as a result of such investigations.

3.1.7.13 For the purposes of this paragraph, the following definitions apply:

3.1.7.13.1 ALLOWABLE NON-STORMWATER DISCHARGES: Unless otherwise identified by the PCPW or the Colorado Department of Public Health and Environment (CDPHE) Water Quality Control Division (WQCD) as significant sources of pollutants to the waters of the State, the following non-stormwater discharges to stormwater systems are allowed: landscape irrigation, diverted stream flows, rising ground waters, uncontamimated ground water infiltration to separate storm sewers, uncontaminated pumped ground water (This refers to minor discharges such as a private homeowner's basement sump pump.) It does not include any discharges associated with construction activity such as dewatering or infiltration as these activities require separate CDPS permits. Discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs (this is not intended to refer to water rights or waters regulated by the State Engineer), water from crawl space pumps, footing drains, lawn watering, individual residential car washing, individual residential swimming pool and hot tub discharges, individual residential street washing, water-line flushing, flows from riparian habitats and wetlands, flow from emergency firefighting activities, and water incidental to street sweeping (including associated side walk and medians) and that is not associated with construction, may still require a separate CDPS permit coverage to be obtained by the discharger.

3.1.7.13.2 CDOT WATER QUALITY PROGRAM MANAGER: The CDOT Water Quality Program Manager is responsible for managing the Illicit Discharge Program for the State. This person would have the primary role of submitting illicit discharges to the CDPHE. The CDOT Water Quality Program Manager can be contacted regarding additional surface water quality concerns.

3.1.7.13.3 CDPHE-EMP: The Colorado State of Public Health and Environment (CDPHE) Emergency Management Program (EMP) is a 24-hour spill reporting hotline for the State of Colorado. All spills shall be reported to the PCPW, the CDPHE-EMP, and any other affected agencies or jurisdictions. Spills on highways, into waterways, or that may otherwise present an immediate danger to the public shall also be reported by calling 911 and shall be reported to the CDPHE-EMP. The EMP can notify downstream entities in case of a spill or a discharge into a waterway.

3.1.7.13.4 CDPHE–WQCD: The CDPHE Water Quality Control Division has the capabilities to take enforcement actions against illicit discharges.

3.1.7.13.5 ILLICIT DISCHARGE: Any discharge to a municipal separate storm sewer or any State waters, as described in Section 3.1.7.13.7 of the Code, that is not composed entirely of stormwater, except the following: discharges specifically authorized by a CDPS permit and allowable non-stormwater discharges.

3.1.7.13.6 MS4: Municipal separate storm sewer system.

3.1.7.13.7 STATE WATERS: Any and all surface and sub-surface waters that are contained in or flow through this State; not including include waters in sewage systems, waters in treatment works of disposal systems, waters in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed.

3.1.7.14 The utility shall comply with all applicable CDPHE water quality rules and regulations. The utility shall contact the CDPHE to obtain a CDPS permit, if required, for any type of discharge, including but not limited to the following:

3.1.7.14.1 construction site stormwater runoff; and

3.1.7.14.2 stormwater from industrial sites; and

3.1.7.14.3 municipal stormwater; and

3.1.7.14.4 drainage from utility line casings; and

3.1.7.14.5 construction dewatering; and

3.1.7.14.6 hydrostatic testing water; and

3.1.7.14.7 equipment wash water or rinse operations water; and

3.1.7.14.8 effluent from industrial treatment plants; and

3.1.7.14.9 effluent from municipal wastewater treatment facilities.

3.1.7.15 Unallowable non-stormwater discharges that enter into the storm sewer system or any State waters must be reported to the PCPW and to the CDPHE-EMP immediately upon discovery and repaired as soon as possible. Any spills which do not enter the storm sewer system or State waters shall be, at a minimum, referred to the PCPW.

3.1.7.16 The utility shall notify the CDPHE and the PCPW of breaks or damage to any pipes owned by either the utility or by other entities, arising from the utility's permitted operations, which may lead to contaminated materials entering the PCPW MS4 and/or any State Waters. The utility shall be responsible for the prompt

reconstruction and repair of damaged pipe, environmental cleanup, restoration and damages as required by the PCPW and CDPHE-WQCD.

3.1.7.17 The utility shall perform concrete washout in accordance with approved PCPW and State guidelines.

3.1.7.18 Unallowable non-stormwater discharges include, but are not limited to, substances such as paint, automotive fluids, solvents, oils or soaps.

3.1.7.19 The utility owner will comply with regulations established by the CDPHE, and/or policies established by the State, pertaining to the handling and disposal of asbestos and asbestos-containing-materials, including applicable air quality permitting requirements.

3.1.7.20 If the utility owner is aware of the presence of mine tailings within the project site of a proposed facility installation, they shall so indicate on their permit application. If unexpected mine tailings are encountered during work, the utility shall immediately contact the PCPW and the State. The utility owner shall comply with any special provisions pertaining to the handling, disposal, containment, or monitoring of mine tailings as specified in their permit, or as directed by CDPHE or the PCPW.

3.1.7.21 It is the responsibility of utility owners to contact appropriate environmental regulatory agencies and obtain all environmental clearances and/or permits required for their activities. All required clearances or permits must be obtained prior to commencing work within the ROW. To the extent that the PCPW is made aware of any specific required environmental clearance or permit during the utility permit application review process, by either the permittee or the implementing environmental regulatory agency, the PCPW will include a special permit provision requiring that those specific clearances/permits be obtained prior to commencing work.

3.1.8 Aesthetic Considerations

3.1.8.1 Utility facility designs shall consider measures to preserve or enhance landscaping, vegetation, scenic and/or other aesthetic features of the highway and contiguous surroundings.

3.1.8.2 A utility installation shall not unreasonably detract from the scenic or aesthetic qualities inherent to the highway, and shall not block scenic views in any manner.

3.1.8.3 The utility shall utilize architectural considerations and colors that fit into the topography and blend with nature, as directed or approved by the PCPW.

3.1.8.4 New utility installations in scenic areas are subject to the criteria of Section 3.2.3 of the Code.

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3.2 Restricted Uses

3.2.1 New Above Ground Installations

3.2.1.1 New above ground utility installations on ROW shall be located as far as possible from the traveled way, preferably along the ROW line.

3.2.1.2 New above ground installations shall not be permitted within the clear zone, as determined in accordance with Section 3.3.3 of the Code, unless the PCPW determines that undergrounding is unfeasible or unreasonably costly, and that no feasible alternatives exist. If permitted, the utility shall employ appropriate countermeasures to reduce hazards, as determined in accordance with Section 3.3.3.4 of the Code.

3.2.1.3 Ground-mounted radio or telecommunication facilities including regeneration sites, relay and repeater stations, which must be housed in a building structure, shall not be permitted in the ROW unless the PCPW determines that feasible alternative locations are unavailable.

3.2.2 ROW Access

3.2.2.1 Notwithstanding the provisions of Section 2.3.3 of the Code, the utility shall not access any area within County highway system ROW without prior notification and written approval of the PCPW.

3.2.3 New Installations Within or Adjacent to Scenic Areas

3.2.3.1 A new utility installation on a highway, or on land acquired or improved with highway funds, which is located within or adjacent to areas of scenic enhancement or natural beauty, may be permitted subject to all of the following provisions:

3.2.3.1.1 the proposed installation does not require extensive removal or alteration of trees or other natural features visible to the highway user and does not impair the visual quality of lands being traversed.

3.2.3.1.2 for a proposed new aerial installation, the PCPW determines that all of the following conditions are met:

3.2.3.1.2.1 other locations are not available or are unusually difficult and costly, or are less desirable from the standpoint of aesthetic quality; and

3.2.3.1.2.2 undergrounding is not feasible or is unreasonably costly; and

3.2.3.1.2.3 all provisions of Section 3.1.6, especially Section 3.1.6.1.3, have been met, and per Section 3.1.3.1 of the Code; and

3.2.3.1.2.4 the proposed installations will be made at a location and employ suitable designs and materials which give the greatest weight to the aesthetic qualities of the area to be covered.

3.2.3.2 Areas of scenic enhancement or natural beauty may include but are not limited to scenic strips, overlooks, rest areas, landscaped areas, public park and recreation lands, wildlife and waterfowl refuges, and historic sites.

3.2.4 Private Lines

3.2.4.1 Private line crossings of ROW may be permitted, subject to the same location and design requirements of the Code applicable to utility line crossings.

3.2.4.2 Longitudinal installations of private lines shall be subject to a determination by the PCPW that the proposed accommodation is in the public interest and will not impair the highway or interfere with the free and safe flow of traffic thereon.

3.3 Location and Design Requirements

3.3.1 General Location Requirements

3.3.1.1 The utility shall locate all facilities in accordance with the horizontal and vertical clearance requirements set forth in the Code.

3.3.1.2 The utility shall locate longitudinal installations on a reasonably uniform alignment as near as practical to the ROW line. Except as otherwise provided in Section 3.3.1.4 of the code, the utility shall not locate longitudinal installations within median areas, traveled ways, shoulders, under ditches or other drainage structures, or under curbs or sidewalks.

3.3.1.3 Except as provided in Section 3.3.1.4 of the Code, the utility shall locate a buried longitudinal installation as close as possible to the outside edge of the ROW to avoid potential conflict with highway signs, guardrail, or other appurtenances. If there is no feasible alternative to longitudinal placement outside of this fifteen (15') foot zone, the PCPW may, as a condition of approval, specify from among the following safeguards:

3.3.1.3.1 increase cover depth to sixty (60") inches in lieu of additional mechanical protection; and/or

3.3.1.3.2 require a CLSM(flowfill) or concrete cap, Class B or better, with a minimum four (4") inches thickness, the full width of the installation trench; and/or

3.3.1.3.3 require concrete encasement, Class B or better, minimum two (2") inches on all sides; and/or

3.3.1.3.4 require encasement in one-quarter (0.25") inch wall thickness steel conduit, armored conduit, or other acceptable material.

3.3.1.4 The PCPW may allow longitudinal placement of buried utility lines beneath present and planned median areas, traveled ways, shoulders, or under curbs or sidewalks, under the following conditions:

3.3.1.4.1 when the highway is also part of a local street system, subject to municipal regulations; and/or

3.3.1.4.2 when the highway is within an urban area as defined by the Code; and/or

3.3.1.4.3 when the surface is a hard surface, or a hard surface is planned for within one year of the facility installation. A hard surface shall be described as asphalt, chip seal, concrete, or other similar material.

3.3.1.5 Where utility facilities are permitted to cross the highway, the utility shall install the facilities on a line perpendicular to the highway alignment.

3.3.1.6 The utility owner shall not install underground facilities in the following locations:

3.3.1.6.1 in deep cuts, near footings of bridges and retaining walls; or

3.3.1.6.2 across intersections at grade or ramp terminals; or

3.3.1.6.3 at cross drains where flow of water; or

3.3.1.6.4 drift or stream bed may be obstructed; or

3.3.1.6.5 within basins drained by a pump in wet or rocky terrain and it is difficult to attain minimum cover; or

3.3.1.6.6 longitudinally under ditches or other drainage structures

3.3.2 General Design Requirements

3.3.2.1 The utility owner shall be responsible for the design of all utility facilities to be installed within ROW, subject to the provisions of the Code.

3.3.2.2 The utility shall design its facilities to avoid unreasonable conflict with planned or programmed changes to existing highway facilities and/or other utility facilities, as directed by the PCPW, so as to avoid such conflict.

3.3.2.3 The utility facility shall be of durable materials in conformity with accepted practice or industry standards, designed for long service life and relatively free from routine servicing or maintenance.

3.3.2.4 The utility shall design all utility installations to, at a minimum, meet the following requirements as applicable:

3.3.2.4.1 electric power or communication facilities shall conform with all applicable Federal, State, and local jurisdiction codes; and

3.3.2.4.2 pipelines shall conform with the applicable provisions of industry standards and Federal and State rules and regulations; and

3.3.2.4.3 liquid petroleum pipelines shall conform with the recommended practice of the American Petroleum Institute for pipelines crossing under highways and railroads; and

3.3.2.4.4 pipelines carrying natural or other gas shall conform to the rules and regulations of the US Department of Transportation, Title 49, CFR, Part 192; and

3.3.2.4.5 any pipeline carrying hazardous liquids shall conform to the rules and regulations of the US Department of Transportation governing the transportation of such materials, Title 49, CFR, Part 195.

3.3.2.5 The utility owner shall design and construct all buried facilities, including pipelines, conduits and casings to withstand the full range of expected internal and external pressures and loads, including internal pressures ranging from maximum expected pressure to zero pressure, and external loads from the highway and superimposed vehicle loads. Pipelines shall also be designed and constructed to resist internal and external corrosion.

3.3.2.6 All new utility facilities shall be free of asbestos and asbestos containing materials.

3.3.2.7 The utility shall design and construct all utility facilities in conformance with the applicable provisions of all Federal, State and local jurisdiction codes.

3.3.3 Clear Zone Requirements

3.3.3.1 The utility shall maintain a clear zone in accordance with this Section.

3.3.3.2 The utility shall not keep, store, stockpile or allow to remain, either in the traveled way or in the clear zone of ROW, any utility accommodation work equipment, material or excavation or any other nontraversable hazard or fixed object.

3.3.3.3 The clear zone shall be as follows:

3.3.3.3.1 In urban areas with barrier or vertical curbs and design speeds of 40 MPH or less, a clear zone of fifteen (15') feet shall be provided wherever feasible. Where fifteen (15') feet cannot be provided, the clear zone shall extend beyond any adjacent sidewalks. In variance situations, the clear zone shall be not less than 2 feet beyond the front face of the curb.

3.3.3.3.2 In all areas without curbs, or with mountable curbs, and with design speeds of 40 MPH or less, a minimum clear zone of fifteen (15') feet shall be provided.

3.3.3.3.3 In all areas with design speeds of 45 MPH or greater, the AASHTO "Roadside Design Guide" shall be used to determine clear zone width.

3.3.3.4 If the PCPW determines, in accordance with Section 3.2.1.2 of the Code, that a new above ground installation may be permitted within the clear zone, the utility shall provide countermeasures as directed by the PCPW in the permit. Countermeasures shall include, but not be limited to:

3.3.3.4.1 locations which minimize exposure to out-of-control vehicles; and

3.3.3.4.2 use of breakaway features; and

3.3.3.4.3 use of impact attenuation devices; and

3.3.3.4.4 use of delineation and/or shielding.

3.3.3.5 The location and design of traffic barriers and countermeasures shall comply with the AASHTO "Roadside Design Guide."

3.3.3.6 All excavations shall be closed at the end of daily operations, and no unattended open excavation will be allowed within the clear zone after dark, over weekends or holidays.

3.3.3.6.1 If there is no reasonable alternative due to weather, equipment or personnel issues, or other uncontrollable circumstances, except to leave an open excavation, with prior PCPW approval; said excavation shall be filled as soon as conditions allow; and

3.3.3.6.2 MUTCD compliant, lighted, Traffic Control Devices (TCDs) and a physical barrier (berm, jersey barriers) shall be used if there is no reasonable alternative except to leave the excavation open. An approved trench cover may also be required.

3.3.4 Utility Plans

3.3.4.1 Along with a completed utility permit application and other associated documents, the utility shall submit detailed plans or detailed work sketch showing the location, character, dimensions and details of proposed construction.

3.3.4.2 Any permit shall be subject to utility owner's compliance with the plans approved by the PCPW.

3.3.4.3 The PCPW may issue a conditional permit if certain details of the plans must be completed after permit work starts, but the utility shall not start any work related to such details until approved by the PCPW.

3.3.4.4 After a permit is issued, all plan revisions shall conform to Section 2.3.2 of Code.

3.3.4.5 The utility shall, for all in ground main lines and extensions of in ground main lines, within sixty (60) days of completion of the work, submit "as-constructed" plans, certified by a Professional Engineer licensed by the State of Colorado, Professional Land Surveyor licensed by the State of Colorado, or by a Staff Engineer licensed by the State of Colorado, and showing actual final location, alignment, ~~profile,~~ details or dimensions, including depths (in inches). Certified as-constructed plans shall be of an electronic format –such as shape files and PDFs. Shape files need not be certified so long as a certified PDF is also provided. Projects and/or installations that take longer than sixty (60) days to complete shall provide ~~"as-constructed"~~red-line plans ~~as detailed above~~in the form of a PDF every thirty (30) days starting no later than sixty (60) days from the beginning of the permitted work, or as directed by PCPW. A certified PDF of the "as-constructed" plans as detailed above shall be provided within sixty (60) days of project completion.

3.3.4.6 The utility shall, for all in ground service lines and for all aerial lines, within sixty (60) days of completion of the work, submit "as-constructed" plans showing actual final location by GPS coordinates or by measurement from an established benchmark, alignment, ~~profile,~~ details or dimensions, including depths (in inches). If so directed by the PCPW, such plans shall be of an electronic format ~~compatible with PCPW software~~such as shape files and PDFs. Projects and/or installations that take longer than sixty (60) days to complete shall provide ~~"as-constructed"~~red-line plans ~~as detailed above~~in the form of a PDF every thirty (30) days starting no later than sixty (60) days from the beginning of the permitted work, or as directed by PCPW. A PDF of the "as-constructed" plans as detailed above shall be provided within sixty (60) days of project completion.

3.3.5 Aerial and Ground-Mounted Electric and Communications Facilities

3.3.5.1 The utility shall locate, where feasible, poles, guys, anchors, and related ground-mounted appurtenances near the ROW line and beyond embankment slopes. The utility shall not locate guy wires and stub poles between a pole and the traveled way where either guy wires or stub poles encroach upon the clear zone.

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3.3.5.3 The PCPW shall review and approve utility plans with respect to location; and

3.3.5.3.1 the manner in which the utility facility is to be installed; and

3.3.5.3.2 measures taken to preserve safe and free flow of traffic; and

3.3.5.3.3 structural integrity of the roadway, highway structure or appurtenance; and

3.3.5.3.4 aesthetic quality of the highway; and

3.3.5.3.5 ease of maintenance; and

3.3.5.3.6 future roadway expansion; and

3.3.5.3.7 integrity of the utility facility.

3.3.5.4 The vertical clearance for overhead power and communication lines above the highway, structure or ROW surface, and the lateral and vertical clearance from bridges shall conform with the clearances as shown below in Table 1.

3.3.5.5 The utility shall install overhead wires, conductors, and cables above the ROW surface in compliance with industry standards and Federal, State and local jurisdiction codes in effect at the time of design or installation.

3.3.5.6 The minimum overhead clearance shall apply to conductors at maximum final sag conditions with specified thickness of ice at 32°F (no wind displacement), at 120°F (no wind displacement), or maximum conductor temperature for which the line was designed to operate, whichever produces the largest final sag. Additionally, the minimum overhead clearance must be maintained at the point where the conductor is nearest the roadway or ground surface, taking both sag of the line and variations in ground surface elevation into account. The minimum vertical clearances between the conductor and the structure, bridge, roadway or ground surface within the ROW shall be:

TABLE 1

MINIMUM VERTICAL CLEARANCE	
Placement	**Vertical Clearance**
Over travelled roadway	18 feet
In ROW, alongside travelled roadway	14 feet

3.3.5.7 The utility may locate ground-mounted components of aerial facilities crossing the highway in highway median areas beyond the clear zone for both directions of travel with PCPW approval.

3.3.6 Underground Electric and Communications Facilities

3.3.6.1 The utility shall place any buried facilities at a cover depth of not less than forty-eight (48") inches.

3.3.6.2 Where the PCPW reasonably anticipates the utility will need to expand its future line capacity along the same alignment as the permitted facilities, the utility shall place spare conduit or duct, when directed in the permit, to accommodate such future needs and to avoid possible future disturbance to the highway or to traffic.

3.3.6.3 The utility shall locate pedestals, or other ground mounted appurtenances to a buried facility as near as practicable to the ROW line, or if available, in a utility easement.

3.3.6.4 If the PCPW approves a variance for less than the minimum cover depth specified in Section 3.3.6.1 above, the utility shall encase buried fiber optic communications lines either in a steel pipe of minimum six (6") inches inner diameter and one-quarter (0.25") inch wall thickness, or in concrete, Class B or better, of minimum two (2") inches thick on all sides of the lines.

3.3.7 Water, Sanitary Sewer, Natural Gas, and Hydrocarbon Pipeline Facilities

3.3.7.1 The utility shall install pipeline facilities at not less than the following minimum depths of cover from the top of the facility to daylight (when going under a culvert or ditch, daylight refers to the bottom of the culvert or ditch):

3.3.7.1.1 water and sanitary sewer pipelines- the local frost penetration depth, or nine (9') feet, whichever is greater, or as directed by the PCPW in the permit; and

3.3.7.1.2 natural gas transmission lines, mains, and service lines, and liquid hydrocarbon pipelines- forty-eight (48") inches, or as directed by the PCPW in the permit.

3.3.7.2 The utility shall reroute, or protect the pipeline, as determined by the PCPW in accordance with Section 3.3.11 of the Code, where less than the minimum cover described above is available for any reason, including conflict with other utilities, water table, or local codes.

3.3.7.3 Joints in all pipelines operating under pressure shall be of mechanical or welded, or other leak-proof type of construction. The utility shall not use mortar, grout, or other Portland cement materials as pipeline joint sealants.

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3.3.7.4 The utility shall construct sanitary sewers of materials, and install them in a manner, that will minimize the potential for any leakage. Such sewer lines shall be located below and at a minimum of ten (10') feet horizontal separation between pipes from all water lines and storm sewer lines. (Additional sanitary sewer placement restrictions can be found in the LUR, 7-400 C.)Where sanitary sewers are located such that any leakage that might occur could reach surface waters, the utility shall establish a schedule for routine inspection of the sewer line. Any observed leaks from sanitary sewers within the ROW shall be reported to the CDPHE-EMP and the PCPW immediately upon discovery and repaired as soon as possible.

3.3.7.5 Sanitary sewers larger than twenty-four (24") inches, lift stations, and other certain wastewater treatment facilities are subject to the design criteria, design review and approval of the CDPHE-WQCD. Other Federal, State and local jurisdiction codes may also apply.

3.3.7.6 Potable water treatment facilities and certain related distribution system facilities are subject to the design criteria, design review and approval of the WQCD. Other Federal, State and local jurisdiction codes may also apply.

3.3.7.7 Thrust blocks shall be required on all vertical and horizontal bends in pressure pipes.

3.3.8 Irrigation and Drainage Pipes, Ditches, Canals and Stormwater Drainage Facilities

3.3.8.1 Irrigation and drainage pipelines shall meet the applicable requirements of Section 3.3.7. The utility shall locate open ditches and canals in conformance with the requirements of Sections 3.2.1 and 3.3.3 for above ground utility accommodations.

3.3.8.2 Irrigation facilities shall be constructed as directed by the PCPW.

3.3.8.3 Drainage pipelines carrying any type of wastewater effluent must be approved and receive a CDPS permit from the CDPHE-WQCD, and/or any required permit(s) from the County Environmental Health Department.

3.3.8.4 Stormwater Drainage Facilities

3.3.8.4.1 The Code's definition of "utility" includes "stormwater not connected with highway drainage."

3.3.8.4.2 Stormwater facilities constructed within the ROW which carry stormwater that originates outside of the ROW and passes through the ROW without any connection to highway drainage are subject to the provisions of the Code, including all permitting requirements.

3.3.8.4.3 When a PCPW utility permit must be obtained to install or perform maintenance on storm drainage facilities, the design and construction of such facilities shall

conform to State standards and specifications. All plans must be approved by the PCPW. Detailed design or construction requirements may be specified in the utility permit.

3.3.8.5 Stormwater originating outside of the ROW which flows into the ROW and mixes with highway drainage is not a utility under the Code.

3.3.8.6 Connections of other stormwater drainage systems to the County highway drainage system shall be approved by the PCPW. No utility permit is required for the construction or maintenance of such facilities.

3.3.9 Highway Lighting Facilities

3.3.9.1 The utility owner shall design highway lighting facilities in accordance with current standards, as directed by the PCPW.

3.3.9.2 When operation and/or maintenance responsibilities for proposed ROW lighting will rest with a utility or local agency pursuant to law or agreement, the lighting facility shall be compatible with that entity's system and inventories.

3.3.9.3 Highway lighting systems circuits and wirimg shall comply with the all local jurisdiction codes, as applicable.

3.3.10 Highway Structure Attachments

3.3.10.1 Utility facilities shall not be attached to highway structures, including but not limited to bridges, culverts, lighting supports, traffic signal poles, sign supports, or sign bridges without PCPW approval; and

3.3.10.1.1 other locations are unavailable, or are unreasonably difficult or costly; and

3.3.10.1.2 the structure is of a design, age, and physical condition that is adequate to support the additional load; and

3.3.10.1.3 the attachment will not adversely affect the safety, ease of maintenance and appearance of the structure.

3.3.10.2 The utility shall design the proposed structure attachment individually for a specific highway structure. PCPW approval shall be required for all attachments to all bridges and structures in the ROW.

3.3.10.3 The utility shall locate the entire utility installation on a highway bridge or structure so as to not reduce the vertical or horizontal clearance otherwise available between the bridge or structure and any stream, pavement or rails. On water crossings by means of a bridge attachment, the utility line shall be no lower than the bottom of a stringer, and shall be located on the downstream side.

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3.3.10.4 The utility shall insulate, ground, and carry communication and electric power line attachments in protective conduit or pipe from below the point of ground exit to below the point of ground re-entry. Carrier pipe and casing pipe shall be insulated from electric power lines.

3.3.10.5 Structure attachments shall conform with applicable protection requirements of Section 3.3.11 of the Code.

3.3.11 Encasement and Related Protection of Utility Lines

3.3.11.1 The utility shall protect buried utility lines and structure attachments, as follows:

3.3.11.1.1 Buried facilities which are subject to damage from construction or maintenance operations, as determined by the PCPW, may require additional protective measures, such as:

3.3.11.1.1.1 a concrete cap, CDOT Class B or better, minimum four (4") inches thickness, the full width of the installation trench; and/or

3.3.11.1.1.2 concrete encasement, CDOT Class B or better, minimum two (2") inches on all sides; and/or

3.3.11.1.1.3 encasement in one-quarter (0.25") inch wall thickness steel conduit, or other acceptable material; and/or

3.3.11.1.1.4 a tunnel, gallery or innerduct.

3.3.11.1.2 Where metal pipelines are installed in a corrosive environment, concrete encasement, coating and wrapping, thickened wall pipe, and/or cathodic protection shall be required. Corrosion protection shall be required for all steel carrier pipes. Cathodic protection shall be mandatory for natural gas and hazardous material pipelines in accordance with 49 CFR, Parts 192 and 195.

3.3.11.1.3 At locations subject to settlement or displacement, including but not limited to:

3.3.11.1.3.1 areas of unstable ground; or

3.3.11.1.3.2 near highway structure footings; or

3.3.11.1.3.3 where the method of installation or use of flexible pipe may result in subsidence or reduced pavement support, a cradle or wall, casing pipe, concrete encasement, extra strength or heavy wall thickness pipe; or

3.3.11.1.3.4 leak-proof construction shall be required.

3.3.11.1.4 Where water, high-pressure gas, or hazardous material pipelines are either in or suspended from a highway structure, a casing pipe shall be required.

3.3.11.2 The utility shall utilize casing pipe:

3.3.11.2.1 when necessary to facilitate bored or jacked installations; or

3.3.11.2.2 to protect coated carrier pipes from damage during insertion; or

3.3.11.2.3 as a means of conveying leaking fluids or gases to points safely beyond the traveled way; or

3.3.11.2.4 when necessary to provide for the future adjustment, removal or replacement of the carrier line.

3.3.11.3 Where a casing is required and the use of a metal casing could defeat the cathodic protection circuit applied to a carrier pipe, the utility shall take the protective measures determined by the PCPW to be appropriate in the circumstances, including:

3.3.11.3.1 use of non-metallic casings; or

3.3.11.3.2 use of carrier/ casing insulation systems; or

3.3.11.3.3 cathodically protecting casing and carrier pipes as a unit.

3.3.11.4 The utility shall use tunnels or galleries when determined by the PCPW to be appropriate in the circumstances, including:

3.3.11.4.1 where several utility lines must share a crossing location; or

3.3.11.4.2 as a provision for future increase in line size or additional lines; or

3.3.11.4.3 as a means of inspecting carrier lines in the crossing.

3.3.11.5 On highway crossing installations, the utility shall extend any required protection at a minimum: beyond slope and ditch lines on uncurbed sections, or beyond the outer curbs on curbed sections, or the full width between access control lines on expressways, freeways and Interstates. For installations other than crossings, the utility shall extend the protection as specified by the PCPW.

3.3.12 Vents, Drains, Manholes, Valves and Appurtenances

3.3.12.1 The utility shall locate vents at the high end of casings that are less than one hundred and fifty (150') feet long. The utility shall locate vents at both ends of

casings that are longer than one hundred and fifty (150') feet. The utility shall locate vent standpipes on a fence or ROW line.

3.3.12.2 The utility shall provide drains for casings, tunnels, or galleries which enclose carriers of liquid, liquefied gas, or heavy gas. Drains for allowable non-stormwater discharges may outfall into roadside ditches or natural watercourses at locations approved by the PCPW, and as allowed by the CDPHE-WQCD. At outfalls for unallowable non-stormwater drains, the utility shall take all additional measures that are determined by the PCPW and the CDPHE-WQCD to be suitable to protect against possible soil and/or water contamination, such as construction of dikes or liner installation. Outfalls shall not be used as a wasteway for purging the carrier.

3.3.12.3 The utility shall not locate manholes in the present or planned traveled way or shoulder areas, except:

3.3.12.3.1 in municipal streets, provided that manholes shall not be located at street intersections nor in the wheel paths of traffic lanes; and

3.3.12.3.2 where manholes are essential parts of existing lines.

3.3.12.4 The utility shall install shutoff valves on pressurized or hazardous materials pipelines at the following locations:

3.3.12.4.1 near the ends of highway structures to which such lines are attached, unless the pipeline is equipped with nearby shutoff valves or operates under effective control by automatic devices; and

3.3.12.4.2 near unusual hazards, such as unstable ground, structure footings, or locations subject to disturbance by construction and/or maintenance operations, unless the affected line segment can be isolated by other sectionalizing devices within a reasonable distance.

3.3.12.5 The utility shall install permitted structural elements, such as manholes, vaults or anchor blocks, so that the high point of the element is at or below the grade of the traveled way or shoulder surface. Manhole covers located in the traveled way or shoulder shall be not less than one-quarter (1/4") inch, or more than one-half (1/2") inch, below the finished pavement grade.

3.3.12.6 Meters shall not be placed in ROW except within local jurisdiction where codes require such use.

3.4 Construction Requirements

3.4.1 Access for Constructing or Servicing Utility Facilities

3.4.1.1 The utility shall access the work site only at locations and by means acceptable to the PCPW.

3.4.1.2 The utility shall not work at night or on Saturdays, Sundays, or holidays, except as approved by the PCPW. The PCPW may specify and/or restrict the utility's access to construct or service utility facilities during peak traffic flow or due to adverse weather, insufficient visibility, or other conditions not conducive to safe and efficient traffic operations.

3.4.1.3 To gain access to the ROW from abutting properties at other than established, approved locations, the utility must obtain and comply with the terms of an access permit issued pursuant to § 43-2-147, CRS.

3.4.2 Traffic Control and Work Zone Safety Requirements

3.4.2.1 The utility shall develop and submit an MUTCD compliant, site specific Traffic Control Plan (TCP) to the PCPW for any work that will affect traffic movement or safety. PCPW may also require an Internal Traffic Control Plan (ITCP) for some permits. In general, just a copy of an MUTCD Typical Application will not be accepted, plans must be site and permit specific. The utility shall implement the TCP and/or ITCP and utilize MUTCD compliant traffic control devices to ensure the safe and expeditious movement of traffic around and through the work zone and the safety of the utility work force.

3.4.2.2 The utility shall develop the TCP and/or a ITCP, and Method of Handling Traffic (MHT) in conformance with MUTCD, PCPW and accepted national standards. The TCP shall include provisions for the passage of emergency vehicles through the work zone, and shall conform to all Federal, State and local agency rules and regulations. The TCP, and/or ITCP, and MHT shall contain sufficient detail to demonstrate conformity with all applicable requirements.

3.4.2.3 The utility shall have a competent person at the work site at all times in direct responsible charge of temporary traffic control. In situations where the TCP and/or ITCP goes beyond any typical application shown in the MUTCD, or particularly dangerous roadway or traffic conditions exist, the PCPW may require the utility to have a Traffic Control Supervisor (TCS) on-site during work.

3.4.2.4 The utility shall not start the permitted work before the PCPW approves the TCP and/or ITCP, and the TCP and/or ITCP has been implemented.

3.4.2.5 The PCPW may review and order changes to the TCP and/or ITCP, and MHT during performance of the work, as required.

3.4.2.6 The utility shall comply with the TCP and/or ITCP at all times during performance of the work.

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3.4.2.7 The utility shall maintain a copy of the approved TCP and/or ITCP at the work site at all times during performance of the work, and make available to the PCPW upon request.

3.4.2.8 The TCP shall ensure that closure of intersecting streets, road approaches and other access points is minimized. On heavily traveled highways, the PCPW shall not permit utility operations that interfere with traffic during periods of peak traffic flow.

3.4.2.9 When utility operations coincide with highway construction or maintenance operations or other permitted activities, the utility shall develop and implement the TCP in cooperation and coordination with the highway agency and/or its contractors, and as otherwise directed by the PCPW in the permit.

3.4.2.10 All flaggers shall have a current CDOT flagger certification card, and shall be capable of effectively communicating with the traveling public and others at the work site.

3.4.2.11 All workers within the ROW shall comply with applicable OSHA regulations.

3.4.2.12 Personal protective equipment (e.g. head protection, footwear, high visibility apparel, safety glasses, hearing protection, respirators, gloves, etc.) shall be worn as appropriate for the work being performed, and as specified in all applicable Federal, State and local rules and regulations.

3.4.3 Utility Owner Notification

3.4.3.1 The utility will comply with the applicable requirements of Article 1.5 of Title 9 CRS, including any requirement to participate in the State's Notification Association pursuant to § 9-1.5-105, CRS. All owners of underground utilities within the ROW must become members of the UNCC.

3.4.3.2 Pursuant to § 9-1.5-103, CRS, and except as provided for emergency or other special circumstances in that statute, the permittee shall not make or begin excavation without first notifying the UNCC and, if necessary, the tier two members having underground facilities in the area of such excavation. The PCPW shall be notified of planned excavation as specified in the permit. If known by the utility permittee to exist, underground utility owners who have not yet become members of the UNCC shall be contacted directly. Notice of commencement, extent, and duration of the excavation work shall be given at least **two (2) full business days prior to work beginning, not including the day of actual notice.**

3.4.4 Pavement Cuts and Repairs

3.4.4.1 The utility shall install buried facilities crossing the highway by boring methods only, except as provided by this Section.

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3.4.4.2 The utility may install buried facilities by open cut of the pavement structure only if it demonstrates to the PCPW that:

3.4.4.2.1 trenchless methods are not feasible due to soil conditions; or

3.4.4.2.2 space limitations or other considerations preclude trenchless construction; and/or

3.4.4.2.3 removal and replacement of the pavement structure will be concurrent with or closely precede a project to construct or reconstruct the affected roadway.

3.4.4.3 When the PCPW permits pavement structure cuts, the utility shall comply with the following conditions:

3.4.4.3.1 no more than half the width of the roadbed may be opened at any time; and

3.4.4.3.2 the utility shall replace any removed pavement to a design equal to or greater than the surrounding, undisturbed pavement structure; and

3.4.4.3.3 the utility shall saw or wheel-cut to a neat line, or as otherwise specified in the permit, any pavement removed; and

3.4.4.3.4 on trenched installations through a pavement structure, unless otherwise specified by the PCPW, additional cutback of base and surfacing to approximately two (2') feet beyond normal trench limits shall be required; and

3.4.4.3.5 the utility shall replace excavated portions of the base and subgrade with flowable backfill, CLSM, or other suitable fill approved by the PCPW, as described in Section 3.4.5.5.1 of the Code; and

3.4.4.3.6 the utility shall trim all overbreaks or incidental damage of existing pavement back to a neat line before patching; and

3.4.4.3.7 the utility shall repair all surface gouges or other minor damage in a manner acceptable to the PCPW; and

3.4.4.3.8 the utility shall restore all pre-existing pavement markings in and adjacent to resurfaced areas.

3.4.5 Trenched Construction, Backfill and Compaction

3.4.5.1 The utility shall construct vertical-sided trenches, of uniform width, and no wider than the line diameter plus three (3') feet, unless the utility demonstrates to the PCPW's satisfaction that such construction is impracticable.

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3.4.5.2 Shoring or bulkheading shall conform to all applicable Federal, State and local jurisdiction construction and safety standards.

3.4.5.3 The utility shall provide drainage from excavation areas.

3.4.5.4 The utility shall not perform construction or compaction by means of jetting, puddling, or water flooding within ROW; however, a limited amount of puddling may be allowed up to the springline of the pipe when free-flowing granular backfill materials are used, when necessary to obtain proper compaction of pipeline bedding.

3.4.5.5 Unless otherwise directed or approved by the PCPW, the utility shall backfill trenches within the road prism as follows:

3.4.5.5.1 replace excavated material with flowable backfill (CLSM) as specified by the PCPW, between 30psi-60psi (0.206-0.399 MPa) at twenty-eight (28) days. If CLSM is used, the top of the pour must stop six (6") inches from the surface, and the final lift shall be CDOT class 5 or 6 (see appendix A) that is mechanically compacted to a minimum dry density of 95% as determined by AASHTO T180 or AASHTO T99; or

3.4.5.5.2 place backfill in six (6") inch layers, each consolidated by hand or mechanical tamping and controlled addition of moisture, in the following order:

3.4.5.5.2.1 the first six (6") inch lift (bedding lift) shall be hand compacted squeegee sand or CDOT class 6 (see appendix A);

3.4.5.5.2.2 the facility pipe, conduit or line shall then be installed to the depths specified in Section 3.3.7;

3.4.5.5.2.3 the next six (6") inch lift, or next several six (6") inch lifts as necessary to protect the facility, shall be hand compacted squeegee sand or CDOT class 6 (see appendix A);

3.4.5.5.2.4 the remainder of the trench shall be six (6") inch lifts of CDOT class 5 or 6. Each lift shall be mechanically compacted to 95% for soils that classify as A-1, A-2-4, A-2-5, and A-3 within 2% of optimum moisture content as determined by AASHTO T180. All other soil types shall be compacted to 95% maximum dry density within 2% of optimum moisture content as determined by AASHTO T99.

3.4.5.5.2.5 All in ground facilities shall be detectable per 3.4.9.

3.4.5.6 Unless otherwise directed or approved by the PCPW, the utility shall backfill trenches outside of the road prism as follows:

3.4.5.6.1 the first six (6") inch lift (bedding lift) shall be hand compacted squeegee sand or CDOT class 6 (see appendix A);

3.4.5.6.2.2 the facility pipe, conduit or line shall then be installed to the depths specified in Section 3.3.7 of the Code;

3.4.5.6.2.3 the next six (6") inch lift, or next several six (6") inch lifts as necessary to protect the facility, shall be hand compacted squeegee sand or CDOT class 6 (see appendix A);

3.4.5.6.2.4 the remainder of the trench shall be six (6") inch lifts of CDOT class 1 or 2, or excavated trench material screened to <4". Each lift shall be mechanically compacted to 90% minimum as determined by AASHTO T99.

3.4.5.6.2.5 All in ground facilities shall be detectable per 3.4.9.

3.4.5.7 Compaction testing

3.4.5.7.1 All trenches using any material other than CLSM require compaction testing.

3.4.5.7.2 Testing frequency and locations may change at the discretion of PCPW ROW Inspectors (Inspector) based upon individual trench site criteria and inspection.

3.4.5.7.3 At the discretion of the Inspector, these tests may be waived for street cuts less than thirty (30') linear feet.

3.4.5.7.4 The project will not be placed under warranty until test results have been received and approved by the Inspector.

3.4.5.7.5 The Permittee is responsible for having a Colorado certified geotechnical engineering firm test the compactive effort, expressed as the percent compaction based upon the modified Proctor test AASHTO T180 or standard Proctor test AASHTO T99 in accordance with the latest edition of the Code. Trench backfill shall be randomly tested using the following location formulae:

3.4.5.7.5.1 One test for every two (2') vertical feet of compacted material.

3.4.5.7.5.2 Test locations along the linear axis of the trench are to be determined by differences in overall trench length.

3.4.5.7.5.2.1 For trenches up to fifty (50') feet in total length the test location shall be at the approximate lineal middle of the trench. One test location for trenches of this length, or less, is the minimum required.

3.4.5.7.5.2.2 For trenches fifty (50') feet up to two hundred and fifty (250') feet in length a minimum of two test locations are required with each approximately one third of the distance from each end.

3.4.5.7.5.2.3 For trenches over two hundred fifty (250') feet in length test locations shall be at approximately one hundred (100') foot intervals.

3.4.5.7.5.2.4 All test locations should be at the approximate middle of the width of all trenches up to three (3') feet in width. Trenches over three (3') feet in width may require further test locations. That determination will be made on a case by case basis by the Inspector.

3.4.5.7.6 Two types of compaction testing are acceptable. AASHTO T191 in place density and moisture content by the Sand-Cone Method or AASHTO T310 in place density and moisture content of soil and soil-aggregate by the Nuclear Method. One sample per soil type will be obtained for Proctor determination, either AASHTO T180 or AASHTO T99 from directly beneath the nuclear gauge. Upon request from the Inspector a sufficient quantity of material shall be obtained to split with PCPW for duplicate testing.

3.4.5.7.6.1 Use of a Nuclear Density Gauge Requirements: Unless already a part of the testing agency's normal standards and procedures, the following procedures shall be followed while using a nuclear density gauge to determine backfill compaction results.

3.4.5.7.6.1.1 Gauge shall have current calibration as required by the manufacturer or industry standard.

3.4.5.7.6.1.2 Standardize the gauge at the construction site at the start of testing and as often as deemed necessary by the operator or agency. Daily variations in standard count shall not exceed the daily variations established by the manufacturer of the gauge. If the daily variations are exceeded after repeating the standardization process the gauge should be repaired, replaced or recalibrated.

3.4.5.7.6.1.3 Record the standard count for both density and moisture in the Daily Standard Count Log. The log shall be made available for inspection by PCPW when requested.

3.4.5.7.6.1.4 Inspector may select location(s) for test(s).

3.4.5.7.6.1.5 Direct transmission test AASHTO T 310 Method A or B as determined by test site constraints shall be done.

3.4.5.7.6.1.6 Obtain at a minimum of one (1) per ten (10) nuclear moisture density tests a representative sample of the material, 4 kg (9 lb.) minimum, from directly beneath the gauge full depth of material tested. This sample will be used to verify moisture

content and / or for a one (1) point check on the Proctor being used. Immediately seal the material to prevent loss of moisture. Label the sample with sufficient information to identify procurement location. This sample will be used to test material for compliance with Section 3.4.5.5.2.4 of the Code.

3.4.5.7.6.2 The field test results from the Nuclear Method shall be left on site with the Permittee or a representative, and final test results from either method (signed by a professional engineer registered in the State of Colorado) are to be emailed to the Park County Right-of-Way Division at PWROWpermits@parkco.us . Copies of the field test results are to also be sent to that same email address within two (2) business days of the test. The field test results are to include:

3.4.5.7.6.2.1 PCPW permit number

3.4.5.7.6.2.2 Address and/or station of test

3.4.5.7.6.2.3 Offset

3.4.5.7.6.2.4 Elevation/lift

3.4.5.7.6.2.5 Depth

3.4.5.7.6.2.6 Density count

3.4.5.7.6.2.7 Dry density

3.4.5.7.5.2.8 Moisture %

3.4.5.7.6.3 The final test results shall be made available within two (2) weeks of the date of the test, and shall include:

3.4.5.7.6.3.1 Name of field technician

3.4.5.7.6.3.2 Date/time of test(s)

3.4.5.7.6.3.3 PCPW permit number

3.4.5.7.6.3.4 Permittee job number, if applicable

3.4.5.7.6.3.5 Address of test(s) / station or GPS DD coordinates

3.4.5.7.6.3.6 Weather conditions at the time of test

3.4.5.7.6.3.7 Contractors equipment observed on site including method of adding water

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3.4.5.7.6.3.8 A detailed site observation describing construction in progress, material observed and test procedures used, etc.

3.4.5.7.6.3.9 Test depth, lift or elevation

3.4.5.7.6.3.10 Probe depth in inches, if nuclear

3.4.5.7.6.3.11 Maximum dry density (pcf) – Laboratory

3.4.5.7.6.3.12 Optimum Moisture content (%) – Laboratory

3.4.5.7.6.3.13 Dry density (pcf) – Field

3.4.5.7.6.3.14 Moisture content (%) – Field+

3.4.5.7.6.3.15 Compaction (%) - Field

3.4.5.7.6.3.16 Material description

3.4.5.7.6.3.17 AASHTO soil classification

3.4.5.7.6.3.18 Five point test data and corresponding graph curve.

3.4.5.7.6.3.19 Atterberg limits

3.4.5.7.6.3.20 Particle size distribution report

3.4.5.7.6.3.21 Compaction specification per AASHTO T99 or T180

3.4.5.7.6.3.22 Daily standard count

3.4.6 Trenchless Installations

3.4.6.1 Plowing of utility facilities within the ROW by means of a vibratory plow may be allowed by the PCPW provided the structural integrity of the roadway will not be impaired. Plowing shall be done with a vibratory plow only, use of a static type plow shall not be allowed. The utility shall follow manufacturer's guidelines and industry standards for equipment set-up and operation.

3.4.6.2 Portal limits of untrenched crossings shall be established safely beyond the highway surface and clear zone, and in no case shall the lateral distance from the surfaced area of the highway to the boring or jacking pit be less than the vertical difference in elevation between such surface and the bottom of the pit.

3.4.6.3 Shoring or bulkheading shall conform with applicable Federal, State and local jurisdiction construction and safety standards.

3.4.6.4 The utility shall not use water jetting or tunneling, but water-assisted or wet boring may be permitted if determined by the PCPW to not result in excessive erosion or unacceptable moisture conditions in the roadway subgrade.

3.4.6.5 The boring hole shall be oversized to the minimum amount required to allow pull-through of the conduit being installed, based upon equipment and product manufacturer's specifications. If the oversize excavation is not already filled by the drilling slurry after product pull through, the void shall be grouted to the satisfaction of the PCPW. Grout or other approved backfill material shall be used for pipe of 12 inches or more in diameter, and for overbreaks, unused holes or abandoned pipe. The composition of the grout shall be a cement mortar, a slurry of fine sand or fine granular materials, subject to PCPW approval.

3.4.6.6 The utility shall follow manufacturer's guidelines and industry standards for equipment set-up and operation. The utility shall assess soil conditions to determine the most appropriate installation technique. Underground bore paths or tunnels shall be tracked and recorded by the utility. This information shall include the depth of the facility at a minimum of every linear yard; bore entry and exit point GPS coordinates, and shall be included on the as-constructed plans. Failed bores shall be appropriately abandoned by the utility.

3.4.6.7 Drilling fluids shall be prepared and used according to fluid and drilling equipment manufacturer guidelines. The utility shall use fluid containment pits at both bore entry and exit points, and shall use appropriate operational controls in order to avoid heaving or loss of drilling fluids from the bore.

3.4.6.7.1 Antifreeze additives shall be non-toxic and biodegradable products.

3.4.6.7.2 Depending upon chemical composition or the specific method of disposal, improperly disposed drilling fluids may be classified as solid wastes or illicit discharges per Section 3.1.7 of the Code, and in general, shall be pumped or vacuumed from the construction area, removed from the ROW and disposed of at permitted facilities that specifically accept such wastes. Documentation of such disposal may be required.

3.4.6.7.3 Disposal of drilling fluids into storm drains, storm sewers, roadside ditches or any other type of man-made or natural waterway is expressly prohibited.

3.4.6.7.4 Small quantities of drilling fluid solids (less than 1 cubic yard of solids) may be left on-site after either being separated from fluids or after infiltration of the water, provided:

3.4.6.7.4.1 the drilling fluid consists of only water and bentonite clay; or

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3.4.6.7.4.2 if required for proper drilling properties, small quantities of polymer additives that are approved for use in drinking water well drilling; and

3.4.6.7.4.3 the solids are fully contained in a pit, and are not likely to pose a nuisance to future work in the area; and

3.4.6.7.4.4 the solids are covered and the area restored as required by permit requirements.

3.4.7 Utility Installations Near Drainage Ways and Watercourses

3.4.7.1 The utility shall not install any facility along or across the ROW of an irrigation ditch or canal company without first obtaining the written approval of such company.

3.4.7.2 The utility shall install facilities that cross a stream or other drainage only at a point beneath the bed of that watercourse and only at a depth that adequately allows for scour or ditch maintenance requirements (see Section 3.3.6 and 3.3.7 of the Code). The utility shall also take the added measures to protect such lines that the PCPW deems necessary in areas subject to erosion or other disturbance.

3.4.7.3 In establishing the depth of cover below an unpaved channel, the PCPW will consider potential scour, ditch maintenance operations and/or future needs to increase the channel capacity. The utility line shall be installed a minimum of forty-eight (48") inches below the lowest expected level of scour or degradation (see Section 3.3.6 and 3.3.7 of the Code).

3.4.7.4 Utility construction operations within or near live streams, ditches, wetlands or other bodies of water shall include adequate provision to protect or maintain surface and/or ground water quality, and may require appropriate clearances as described in Section 3.1.7 of the Code.

3.4.7.5 The utility shall not install utility lines within culverts where the primary purpose of that culvert is to carry drainage. For culverts or culvert-like structures where the primary purpose of the culvert is something other than drainage, such as providing passage for stock, wildlife, pedestrians or vehicles, utility installations shall be addressed through Section 3.3.10 of the code.

3.4.7.6 In order to avoid any interference with the operations or maintenance of either utility lines or of drainage structures, the utility shall not install utility lines inside any such drainage structure or inside the trench that surrounds any drainage structure, and shall maintain a horizontal and vertical clearance from any such drainage structure or surrounding trench if further directed to do so by the PCPW in the utility permit.

3.4.8 Protection, Construction and Restoration of Park County ROW and Highway System Property

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3.4.8.1 The utility shall avoid disturbing or damaging all highway property, and shall be responsible for the prompt reconstruction, alteration, repair or maintenance of highway property, to repair any damage caused by the utility work, and to restore the ROW to pre-existing or better conditions as may be specified in the permit.

3.4.8.2 Cleated or tracked equipment shall not work on or move over paved surfaces without mats or pads on tracks.

3.4.8.3 The utility shall not spray, cut or trim trees, or other landscaping elements, or remove any landscaping material, unless such work is specifically described in the permit application and approved in the permit.

3.4.8.4 The utility shall employ erosion and sediment control measures, to protect stormwater quality, in conformance with current Federal, State and local jurisdiction codes and PCPW standards. At a mimimum, the utility shall employ the following measures, as applicable:

3.4.8.4.1 minimize the length of open trench; and

3.4.8.4.2 minimize the area of disturbance to ground cover and vegetation; and

3.4.8.4.3 manage necessary stockpiles in accordance with the permit requirements.

3.4.8.5 The utility may be required to obtain a stormwater permit from the CDPHE per Section 3.1.7 of the Code.

3.4.8.6 The utility shall perform any required construction or restoration of highway property in conformance with the Code, permit requirements, and with current County standard specifications and standard plans adopted by the BOCC, as directed by the PCPW. Material removed from any portion of the road prism must be replaced in like kind with better or equal compaction. Segregation of material is not permitted.

3.4.8.7 All utility construction or restoration work shall be subject to PCPW approval, and the utility shall promptly replace all unsatisfactory work as determined by the PCPW.

3.4.8.8 The utility shall maintain any such finished work for a period of twenty four (24) months following completion and acceptance, and must post a bond to assure the adequacy of construction or maintenance.

3.4.8.9 The utility shall remove all debris, refuse, waste, salvage, and surplus materials resulting from utility accommodation work from the ROW in a safe and expedient manner. This shall be done daily during installation and upon completion of permitted work.

3.4.8.10 The utility shall restore ditch flow lines and shall reseed or re-sod, as conditions dictate, all areas which are denuded of vegetation during utility operations. The seed species, origin and application rates required for each location shall be as approved by the PCPW. Seed mixtures and mulch must be certified free of noxious weed seeds. The utility shall clean equipment before transporting it into or out of the County in order to prevent the migration of noxious weeds.

3.4.8.11 The utility may request that the PCPW track and reseed areas that require it at a predetermined cost per sq/ft. If this service is requested, it shall be noted on the permit.

3.4.9 Markers, Location Aids and Location Assistance

3.4.9.1 The utility shall take all practical measures to ensure that buried utility facilities are surface-detectable by standard methods. Where the utility facilities, by the nature of their material properties, burial depth or other factors, may by themselves not be surface-detectable, the utility shall incorporate detection wire or other detection aids in the installation of those facilities. In instances where detection aids are not feasible or would be ineffective and surface-detectability cannot be ensured, surface markers shall be installed as directed by the PCPW, and as-constructed plans, prepared in accordance with Section 3.3.4 of the Code and showing the accurate horizontal and vertical location of the buried facilities, shall be provided to the PCPW.

3.4.9.2 All plowed or trenched installations for natural gas, petroleum, sewer, septic and water facilities, shall include a tracer wire installed twelve (12") inches above the conduit or pipe and an appropriate color-coded warning tape placed not less than twelve (12") inches vertically above tracer wire. For fiber optic installations, if the fiber optic cable is shielded, the shield shall be bonded and appear at locate stations along the length of the cable. If the fiber optic cable is dielectric (non-shielded) a #14 tracer wire shall be placed with the cable, with the tracer wire appearing at locate points along the length of the cable. All electric, fiber optic and communication facilities shall have a color coded ribbon installed twelve (12") inches above the facility. The tracer wire/warning tape shall be surface-detectable if needed to facilitate detection of the line.

3.4.9.3 The utility shall place readily identifiable markers at the ROW line where it is crossed by pipelines carrying transmittants which are flammable, corrosive, expansive, energized, or unstable, except where a vent will serve as a marker.

3.4.9.4 The utility shall place markers for longitudinal underground facilities vertically above the facilities or at a known horizontal offset, unless otherwise approved in writing by the PCPW. Each marker shall provide a foresight and backsight to succeeding and preceding markers. Markers shall be installed at suitable intervals

along tangent sections, at angle points or points of curvature, and at reasonable intervals, which may be determined by PCPW, along curves.

3.4.9.5 The utility shall maintain any markers required by the Code for the life of the installation.

3.4.9.6 When the utility files "as-constructed" plans with the PCPW in accordance with Section 3.3.4.5, the utility and the PCPW may enter into an agreement whereby the PCPW can rely on those plans for the exact location of the utility for any future excavations, and need not give notice to the utility under Article 1.5 of Title 9, CRS. Locates will still be required prior to any excavation.

3.4.9.7 In addition to complying with Section 3.4.3 of the Code and the provisions of Article 1.5 of Title 9 CRS in response to the PCPW's notification of planned excavations, utility owners shall surface-mark their buried utility facilities that are located within the ROW in order to facilitate PCPW engineering and design activities, upon reasonable request from the PCPW, and at no cost to the PCPW. The permittee shall respond to such request within a reasonable timeframe acceptable to the PCPW, but no longer than ten (10) business days from the date of request, and the accuracy of the surface marking shall be within eighteen (18") inches of either side of the actual location of the buried facility.

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TABLE 2

CDOT Classification for Aggregate Base Course							
Mass Percent Passing Square Mesh Sieves							
Sieve Size	**Liquid limit not greater than 35**			**Liquid limit not greater then 30**			
	Class 1	Class 2	Class 3	Class 4	Class 5	Class 6	Class 7
150mm (6")			100				
100mm (4")		100					
75mm (3")		95 – 100					
60mm (2.5")	100						
50mm (2")	95 – 100						
37.5mm (1.5")				90 – 100	100		
25mm (1")					95 – 100		100
19mm (3/4")				50 -90		100	
4.75mm (#4)	30 – 65			30 – 50	30 – 70	30 – 65	
2.36mm (#8)						25 – 55	20 – 85
75µ (#200)	3 – 15	3 – 15	20 max	3 – 12	3 – 15	3 – 12	5 – 15
	Outside road prism above bedding class 1 or 2 only		Class 3 is bank or pit run material	Inside road prism above bedding class 5 or 6 only			