Park County
Public Works
Right of Way
Utility Accommodation Code

March 2024

Introduction

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.

* Sections in red, denotes specific to Park County

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ADDENDUMS

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 Specific Statutory Authority

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 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. 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 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 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 MS4: Municipal Separate Storm Sewer System

1.3.1.14 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

1.3.1.15 OSHA: Occupational Safety and Health Administration

1.3.1.16 PCPW: Park County Public Works

1.3.1.17 PUC: Colorado Public Utilities Commission

1.3.1.18 ROW: Right(s) of Way under County jurisdiction

1.3.1.19 SECTION: A cross-referenced Section of the Code

1.3.1.20 §: A cross-referenced Section of CFR or CRS

1.3.1.21 UNCC: Utility Notification Center of Colorado

1.3.1.22 USC: United States Code

1.3.1.23 WQCD: Water Quality Control Division at the Colorado Department of Public Health and Environment.

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 ABANDONED: 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 AS-CONSTRUCTED PLAN: also known as "As-Built Plan" is a plan updated throughout construction that includes all changes and modifications that occur during the construction phase of a project.

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

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

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

1.3.2.13 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, (6.10 meters), between under copings of abutments or extreme ends of openings for multiple boxes.

1.3.2.14 BRIDGE ATTACHMENT: Clamps, connectors, hangers, or other devices, subject to approval by the Department, required for securing utilities to a bridge.

1.3.2.15 CALENDAR DAY: Each and every day shown on the calendar, beginning and ending at midnight. When "day" is used, it shall mean calendar day unless otherwise specified.

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

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

1.3.2.18 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.

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

1.3.2.20 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.

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

1.3.2.22 CODE: Park County Right of Way Utility Accommodation Code

1.3.2.23 CONDUCTOR: Wire carrying electric current.

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

1.3.2.25 COUNTY: Park County

*1.3.2.26 COUNTY HIGHWAY SYSTEM: All highways within 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.

1.3.2.27 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.

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

1.3.2.29 CROSSING: The utility crossing of the ROW plus isolated segments f utility lines which may parallel the highway for not more than five hundred (500) feet, (152.40 meters).

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

*1.3.2.31 DAYLIGHT: Describes the upper limit of the required depth of a facility. This may refer to the actual ground surface or to the bottom of a culvert or other in ground structure that is open to the air at both ends.

1.3.2.32 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.

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

1.3.2.34 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.

1.3.2.35 DRAIN: Appurtenance designed to discharge liquid contaminants.

1.3.2.36 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.

1.3.2.37 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.

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

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

1.2.3.40 FACILITY or FACILITIES: Lines, pipes, irrigation systems, wires, cables, conduit facilities, poles, towers, manholes, vaults, pedestals, boxes, appliances, antennas, transmitters, gates, meters, splice pits, wells, drains, sewer lines, appurtenances, or other equipment and/or pipes, drains, sewer lines, irrigation systems, or other structures.

1.3.2.41 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.

1.3.2.42 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.

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

1.3.2.44 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.

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

1.3.2.46 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.

1.3.2.47 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.

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

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

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

1.3.2.51 HDPE: High Density Poly Ethylene

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

1.3.2.53 HIGHWAY: The entire width between boundary lines of every way publicly maintained when any part thereof is open to use of the public for purposes of vehicular travel or the entire width of every way declared to be a public highway by any law of the County.

1.3.2.54 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)

1.3.2.55 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.

1.3.2.56 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.

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

1.3.2.58 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.

1.3.2.59 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.

1.3.2.60 INSTALLATION: A utility facility or portion thereof, which is placed within SH ROW or property owned by non-private entities, or the act of making same.

1.3.2.61 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.

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

1.3.2.63 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.

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

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

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

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

1.3.2.68 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.

1.3.2.69 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.

1.3.2.70 LOCAL STREET: A street that is a part of a system of streets established in each city, city and county, and incorporated town, known as the city street system. It shall not include any street established by law as a part of the state highway system.

1.3.2.71 LONGITUDINAL: Parallel or nearly parallel to the approximate alignment of the highway for more than five hundred (500) feet, (152.4 meters).

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

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

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

1.3.2.74.1 changing a facility from aerial to underground; or

1.3.2.74.2 changing the location of a highway crossing; or

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

1.3.2.74.4 any increase in plant capacity; and

1.3.2.74.5 changing from boring to open cut installation.

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

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

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

1.3.2.78 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.

1.3.2.79 MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4). A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

1.3.2.80 Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes. This includes special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under the Clean Water Act, 33 U.S.C. § 1251, *et seq.*, that discharges to waters of the United States;

1.3.2.80.1 Designed or used for collecting or conveying stormwater; and

1.3.2.80.2 Which is not a combined sewer; and

1.3.2.80.3 Which is not part of a Publicly Owned Treatment Works (POTW). See 5 CCR 1002-61.2(62).

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

1.3.2.81 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.

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

1.3.2.83 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.

1.3.2.84 PERMIT: The written document by which 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 not convey any compensable property interest to the permittee. Permits shall be issued only to the actual facility owner.

1.3.2.85 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 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."

1.3.2.86 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.

1.3.2.87 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.

*1.3.2.88 POTHOLE(ING): Potholing is an investigative construction method used to locate underground utilities and infrastructure. It involves drilling exploratory holes to expose the location of utility lines and other existing structures that may be within the defined construction area. There are three main potholing techniques used in the construction industry: hand digging, mechanical digging, and vacuum excavation by either air or water. See Addendum A

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

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

1.3.2.91 RECORD SET: Is a final set of design plans and specifications issued for construction which is sealed by a licensed professional engineer. The Applicant is responsible for determining if the design requires the oversight of a licensed professional engineer subject to the concurrence and approval by the Department.

1.3.2.92 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.

1.3.2.93 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.

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

1.3.2.95 RIGHT-OF-WAY (ROW): Real property, or interests therein, acquired, dedicated or reserved for the construction, operation, and maintenance of the County highway system.

*1.3.2.96 ROAD PRISM: The area of the constructed or proposed road 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, (3.05 meters) from the edge of the driving surface on either side of a roadway.

1.3.2.97 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.

1.3.2.98 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.

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

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

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

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

1.3.2.103 SPECIAL PROVISIONS: Terms and conditions of a permit, imposed by 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.

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

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

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

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

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

1.3.2.109 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.

1.3.2.110 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.

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

1.3.2.112 TRENCHED: Installed in a narrow open excavation.

1.3.2.1130 TRENCHLESS: Installed using a method where no trench is excavated, such as microtunneling, jacking, horizontal directional drilling, or plowing.

1.3.2.114 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.

1.3.2.115 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.

1.3.2.116 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.”

1.3.2.117 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.

1.3.2.118 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.

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

1.3.2.120 WATER ASSISTED or WET BORING/HORIZONTAL DIRECTIONAL DRILLING (HDD): To bore using water or slurry mix under pressure at the cutting auger to soften the earth and to sluice out the excavated material.

1.3.2.121 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.

1.3.2.122

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 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.

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 this Code or 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 PCPW.

1.4.7 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 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 "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 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 Laws, Regulations, and Standards

1.5.1.1 23 C.F.R. § 1.23, "Rights of Way," October 28, 2019

1.5.1.2 23 C.F.R. Subpart 645A, "Utility Relocations, Adjustments, and Reimbursement," October 28, 2019

1.5.1.3 23 C.F.R. Subpart 645 B, "Accommodation of Utilities," October 28, 2019

1.5.1.4 49 C.F.R. Part 192, "Transportation of Natural and Other Gas by Pipeline; Minimum Safety Standards" August 06,2020

1.5.1.5 49 C.F.R. Part 195, "Transportation of Liquids by Pipeline; Minimum Safety Standards") August 06, 2020

1.5.2 National and Industry Standards

1.5.2.1 "A Guide for Accommodating Utilities Within Highway Right-of-Way," AASHTO, 4th edition, October 2005

1.5.2.2 "A Policy on the Accommodation of Utilities Within Freeway Right-of-Way," AASHTO, 5th edition, October 2005

1.5.2.3 "Roadside Design Guide", AASHTO, 4th edition, 2011, reprinted February 2012

1.5.2.4 "Recommended Practice for Liquid Petroleum Pipelines Crossing Railroads and Highways," American Petroleum Institute, Division of Transportation, API Recommended Practice 1102, 7th edition, December 2007 with March 2014 errata

1.5.2.5 "Manual for Assessing Safety Hardware (MASH)," AASHTO, 2nd edition, 2016 Year Published

1.5.2.6 "Manual on Uniform Traffic Control Devices (MUTCD)," FHWA, 11th edition dated December 2023.

1.5.3 Copies of the National and Industry Standards

1.5.3.1 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 Department of Transportation, Utilities Unit, 4201 East Arkansas Avenue, Denver, Colorado 80222.

1.5.4 Conflict in Laws

1.54.1 These Rules are written to comply with and implement the Colorado Revised Statutes and the federal regulations referenced herein. If any provision of these Rules or their application is held illegal, invalid, or unenforceable, no other provisions or applications of the Rules shall be affected and to this end the provisions of these Rules are severable. If these Rules conflict with relevant federal or state law, the federal or state law shall govern.

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 PCPW has the authority and primary responsibility to issue permits for utility accommodations on all ROW, including State highways that may also be local streets within the local agency jurisdiction. Any work outside of the roadway may require a separate permit from the local agency.

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, PCPW shall, if requested by the local agency, consult with the local agency before PCPW acts on the application and/or the terms and conditions of the permit.

2.1.1.3 PCPW may, upon written request by a local agency and prior approval thereof by 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, 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, 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 PCPW, the local agency shall promptly furnish 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 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 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 PCPW, and PCPW may withdraw its delegation of authority upon written notice to the local agency.

2.1.1.3.11 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, 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 PCPW for all costs reasonably and actually incurred by PCPW for that performance. The utility shall pay that amount plus interest at the statutory rate to PCPW not later than 30 days after receipt of PCPW's bill. Any such amounts not paid may be used to offset future fiscal PCPW obligations to the utility. Written notice shall be via email from PWROWpermits@parkco.us and include a delivery and read receipt.

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 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, 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 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, PCPW overtakes a utility's real property interest, 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 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, 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, 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 Fines and Penalties

*2.2.1 Penalty Assessments

*2.2.1.2 All persons working on any permit shall read, understand, and follow all permit requirements and standards. If a permit violation is found, a verbal warning shall be given along with a written notice to cure. Violations shall be corrected immediately. If immediate actions cannot be taken, permittee shall furnish the County with a written plan to correct the violation within twenty-four (24) hours. Execution of the plan to correct any violation shall begin immediately upon County approval. Proper advance notice shall be given prior to work commencing. A PCPW Right-of-Way Inspector or appointed third party inspector representing the County may be required to be present while corrective measures are taken.

*2.2.2 Liquidated Damages and Stop Work Orders

*2.2.2.1 The permittee will be subject to daily liquidated damages in the amount of $1,500.00 for incidents of failure to comply with the Park County Utility Accommodation Code (Code), Land Use Regulations (LURs), or the County Standards and Specifications for Road and Bridge Construction (Standards). The permittee shall implement corrective actions immediately, or submit a plan to PCPW within twenty-four (24) hours to resolve the noncompliance issue, to be implemented within five (5) business days, or within the agreed to time frame established in the approved plan. Liquidated damages will not be considered a penalty, but will be assessed to recover costs associated with damages, engineering, and administrative expenses incurred by the County for the permittee's failure to comply with the Code, LURs, or Standards. Liquidated damages will continue to be assessed daily for each cumulative day that the violation remains uncorrected outside of the timeframe set forth here or per an approved plan. Liquidated damages associated with incidents pertaining to this subsection do not indemnify the permittee of other liquidated damages associated with this permit. In addition to liquidated damages, any violation left uncorrected may result in fines up to $5,000.00 per each occurrence. The permittee will be subject to a County-wide stop work order for recalcitrance, and the ROW Manager may, in writing, issue a stop

work order for all projects issued permits in the County relating to the permittee until all issues have been resolved.

*2.2.2.2 If a violation is determined to be a life or limb safety issue, it will result in immediate shut down of the project until violation is corrected. This may be done verbally followed up with formal letter from the County. Correction of the violation shall be completed immediately to County and industry standards. If the life or limb safety issue is not corrected in twenty-four (24) hours the permittee will be assessed daily liquidated damages. If time frames are not met, the permittee shall be liable for any cost incurred by the County to remedy the situation in order to protect the lives and safety of the public.

*2.2.3 Contesting Fines, Suspensions and/or Revocation of Permit(s)

*2.2.3.1 If the permittee does not concur that it is in violation, it must, within forty-eight (48) hours of the issuance of the first fine or penalty, request in writing via email to PWROWpermits@parkco.us a hearing before the Public Works Director and/or the County Manager. The Public Works Director and/or the County Manager shall hold a hearing within three (3) business days of receipt of such request. At such hearing, PCPW shall have the burden to prove, by a preponderance of the evidence that the permittee is not in compliance with the applicable requirements, regulations, standards and conditions. Permit shall be under suspension until the hearing is completed and the Public Works Director and/or the County Manager have issued their ruling in writing.

*2.2.3.2 The Public Works Director and/or the County Manager may, after such hearing, further suspend or permanently revoke any and/or all permits issued to the permit holder or it's designees. It may also refuse to issue further permits to that permit holder or it's designees. It may determine that no further suspension of any and/or all permits is required.

*2.2.3.3 There shall be no more than two suspensions on any permit or combination of permits issued to one entity or contractor(s) working on behalf of that entity within a six (6) month period without review and/or further action by the Public Works Director and/or the County Manager. No permits will be issued to that entity or contractor(s) working on behalf of that entity until the review or further action by the Public Works Director and/or the County Manager is completed.

*2.2.4 Notification of Penalty Assessments

*2.2.4.1 Notification of penalty assessments shall be in writing on the prescribed form. A copy of the notification shall be emailed to the permittee from PWROWpermits@parkco.us. Notification shall be signed and dated by the Right-of-Way Manager and/or the Public Works Director.

***2.2.5 Payment of Penalty Assessments**

*2.2.5.1 All fines shall be paid by due date.

*2.2.5.2 Payment of Penalty assessments shall be by credit card, check, or money order payable to Park County Public Works.

*2.2.5.3 If fines are not paid within ten (10) business days, then the permit holder shall cease all work in the County until all violations are corrected and all fines paid.

2.3 Utility Permits to the County Highway System

2.3.1 Requirement to Obtain a Permit

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

2.3.1.2 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. PCPW may issue an annual maintenance permit, depending upon the utility type, traffic and roadway characteristics, for planned or emergency maintenance activities.

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

*2.3.1.3.1 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 facility owner.

*2.3.1.3.2 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.

*2.3.1.3.3 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, (1.52 meters) of the traveled way and contiguous shoulders and/or requires the active control or rerouting of traffic.

*2.3.1.3.4 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.

*2.3.1.3.5 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 2.4.3.6 of this Code for emergency repair work requirements.

*2.3.1.3.6 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.

*2.3.1.3.7 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 2.4.3.6 of this Code for emergency repair procedures.

*2.3.1.3.8 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.

*2.3.1.3.9 The County requires the permittee to file a $10,000 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 the County, surety bonds issued by a company authorized to do business in Colorado, written guarantees backed by collateral acceptable by the County, or any other form, or combination of forms, approved by the County. This requirement may occur before issuing the permit or at any time during the term of the permit at Park County's discretion.

*2.3.1.3.10 Maintenance work on any one section of a utility facility longer than three hundred (300) feet, (91.44 meters) requires a new permit and may not be done under an annual utility maintenance permit.

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

2.3.2 Application for a Utility Permit

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

2.3.2.2 The application must be in writing on a PCPW prescribed form, which is available from 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 PCPW to determine exactly what work is proposed. A current fee schedule can be obtained from PCPW.

2.3.2.3 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.

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

2.3.2.4.1 highway and utility plan and profile information; and

2.3.2.4.2 utility facility design; and

2.3.2.4.3 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

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

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

*2.3.2.5 Financial Guarantee

*2.3.2.5.1 The County may require the permittee to file a guarantee of financial security, per the process in 2.3.2.5.2, payable to the County in the event of compensatory damage(s) resulting from any work associated with the permit, to assure the

adequacy of construction or maintenance, and the fulfillment of all permit requirements. The guarantee may be in the form of federally-insured Certificates of Deposit, irrevocable letters of credit issued by a bank acceptable to the County, surety bonds issued by a company authorized to do business in Colorado, written guarantees backed by collateral acceptable by the County, or any other form, or combination of forms, approved by the County. This requirement may occur before issuing the permit or at any time during the term of the permit at the County's discretion. If a bond is required, it shall be in place for a time span equal to the warranty period of the permit.

*2.3.2.5.2 Bond Process Guidelines and Minimum Amounts

The permittee is responsible to obtain and fund the performance bond conformance with the Code and these Guidelines. Local Government Agencies may or may not be required to comply with these guidelines. Regardless of the cost necessary to complete the project, the County may, at its discretion, require a Surety Bond.

*2.3.2.5.3 General Bond Requirements:

1. If required, the permittee shall provide PCPW with a surety bond for an amount equal to 110% of the cost necessary to complete the project and ensure compliance with all permit requirements, as estimated by the permittee in coordination with PCPW, or a minimum bond amount of $2,500, whichever is greater.

2. The bond shall incorporate access permit(s) and any design waivers by reference.

3. The bond company must be licensed to do business in Colorado.

4. The bond shall include the name, title, address and statement that the agent is approved to serve as an agent for/on behalf of the bond company.

5. PCPW needs a statement from the permittee that includes:
   a) The permittee has authorized the person who is their representative to serve as its agent for the purposes of the bond.
   b) The name, address and title of the agent serving as representative for the permittee.

6. The bond shall include a binding statement that the bond company will pay for completion of the project in accordance with all Permit requirements.

7. The bond shall be binding on heirs, executors and assigns.

8. The bond can be extended only if PCPW agrees to extend the bond.

*2.3.2.5.4 Bond Terms and Conditions for Draws

1. The County may draw from the performance bond when any one or more of the following conditions occur:

2. Construction activity ceases for an amount of time, not less than three months, not due to forces of nature or other crisis not of the contractor's making prior to completion of all permit requirements.

3. The project is not completed within the permitted timeframe (initial or as later extended in writing by PCPW).

4. The permittee notifies PCPW that the construction will not be completed in accordance with all permit requirements.

5. The completed project does not reasonably conform to all permit requirements.

*2.3.2.5.5 Process to Draw on or Release Bond

*2.3.2.5.5.1 PCPW Notification to Draw

1. PCPW will notify the permittee and bond agent in writing when any of the conditions for draw are met, and PCPW is contemplating making a draw request.

2. PCPW notification letter will include:
   a) Permit Number and Project Location.
   b) Reason for draw (condition that was met).
   c) Amount and basis of draw amount.
   d) Statement that additional draws may be necessary for reasons as stated in the notification letter.

3. PCPW may stop the bond withdrawal process if the conditions for draw are resolved to PCPW's satisfaction.

*2.3.2.5.5.2 Partial Draws

1. PCPW will draw an amount of the surety bond funds commensurate with the amount of money necessary for PCPW to complete all permit requirements. This may include the cost it would take for PCPW to contract the work out.

2. PCPW will determine the funding necessary to finish all permit requirements based on field review, testing reports, and PCPW's and/or PCPW contractor's bid to complete the project.

3. PCPW will release remaining bond funds once all permit requirements have been completed.

*2.3.2.5.5.3 Partial Release

1. If PCPW draws from the bond amount and completes the construction, and the Right-of-Way Manager and/or the Public Works Director submits a statement certifying that the completed project is in accordance with all permit requirements, then PCPW will release remaining bond funds with a Letter of Acceptance once all permit requirements have been completed.

2. PCPW will release partial bond amounts for a planned phased improvement. The release will occur at the end of each identified phase, in accordance with the conditions listed in the next section (full release).

*2.3.2.5.5.4 Full Release

PCPW will fully release the surety bond when the conditions for PCPW initial acceptance is met, including:
a) PCPW review and acceptance of construction, including punch list items;
b) PCPW receipt of as-built plans; and
c) The Right-of-Way Manager and/or the Public Works Director submits a statement certifying that the completed project is in accordance with all permit requirements.

*2.3.2.5.6 Bond(s) will be held for twelve (12) months commencing from the date of fulfillment of all permit requirements, including as-built plans and all required compaction and soil tests. Any warranty period specified in the permit, or elsewhere in this Code, shall begin on the same date as fulfillment of all permit requirements.

*2.3.2.6 Warranty Bond

*2.3.2.6.1 PCPW, at its discretion, may require a Warranty Bond upon completion and acceptance of all permit requirements. If a Warranty Bond is required, it should be provided prior to release of the Surety Bond. The amount should be $2,500 or 10% of the surety bond amount, whichever is higher. The amount can be higher if PCPW deems it necessary. The bond shall be held for the duration of the warranty period. The warranty bond shall in general follow the format of the surety bond as described within these guidelines.

2.3.3 Action on the Application; Issuance of Permit

2.3.3.1 PCPW may refuse to accept or consider any incomplete application that lacks necessary information or detail. Such permit is not denied but PCPW may defer the administration, review, and processing until it is deemed complete.

2.3.3.2 When a completed application is received, 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, PCPW shall negotiate additional reasonable time, as necessary, to completely review and act on an application.

2.3.3.3 If PCPW denies the permit requested by the application per Section 2.3.6 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.

2.3.3.4 If 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 PCPW's prescribed form.

*2.3.3.4.1 The applicant must sign the permit and return it to PCPW at PWROWpermits@parkco.us, or in person at Park County Public Works 1246 CR 116 Fairplay, CO 80440 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 and ITCP, if provided, shall be on hand at the work site at all times.

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

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

2.3.4 Utility Permits Requiring Third Party Approval

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

2.3.4.1.1 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

2.3.4.1.2 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

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

2.3.4.1.3.1 does not conform with applicable federal regulations; or

2.3.4.1.3.2 does not comply with the Code; or

2.3.4.1.3.3 involves longitudinal use of the ROW by a private line as described in Section 3.2.4 of this Code; or

2.3.4.1.3.4 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.

2.3.4.2 Any necessary FHWA approval under Section 2.3.4.1 of this Code will be requested by PCPW during the permit application review process. The applicant shall be solely responsible to request and obtain all other approvals required under Section 2.3.4.1 of this Code.

2.3.4.3 The applicant must identify and address the need for any such third-party approval in the application. 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.

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

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

2.3.5 Variance Procedures

2.3.5.1 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.

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

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

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

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

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

*2.3.5.2.5 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.

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

2.3.6 Denial, Suspension, Modification or Revocation of Permit

2.3.6.1 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, or due to situations involving permits already issued to the applicant or their agents.

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

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

2.3.6.2.2 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

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

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

2.3.6.2.5 The permittee is currently in default on the conditions of a previously issued permit or is currently in arrears on payment of damages to the County, as specified under Section 2.2.2.

2.3.6.3 Notification of denial, suspension, modification or revocation of an existing permit shall be in writing on the prescribed form, either on-site or off-site. If done on-site, a hard copy shall be given to the person in charge of the work site at that time. If notification is given from off-site it will be via email to the permittee from

PWROWpermits@parkco.us. The required action shall begin immediately upon receipt of said notification.

2.3.6.3.1 PCPW shall give the permittee notice in writing pursuant to § 24-4-104(3)(a), C.R.S., and afford the permittee opportunity to submit a response and give the permittee a reasonable opportunity to comply with all lawful requirements, except in cases of deliberate and willful violation or a substantial danger to public health and safety.

2.3.6.4 Immediate Suspension of Permit. Pursuant to § 24-4-104(4)(a), C.R.S., where the utility permit manager has objective and reasonable grounds to believe and finds, upon a full investigation, that the permittee has been guilty of deliberate and willful violation or that the public health, safety, or welfare imperatively requires emergency action and incorporates the findings in its order, the utility permit manager may summarily suspend the permit pending proceedings for suspension or revocation which shall be promptly instituted and determined. For purposes of immediately suspending a permit, full investigation means a reasonable ascertainment of the underlying facts on which the agency action is based.

2.3.7 Proceedings for Denial, Suspension, Modification or Revocation of Permit

2.3.7.1 Pursuant to § 24-4-104(3)(a), C.R.S., PCPW shall give the applicant or permittee:

2.3.7.2 Notice in writing that specifies in what respect the applicant or permittee has failed to comply with state and or federal law or the Code;

2.3.7.3 If requested by the applicant or permittee, a reasonable opportunity to comply with all lawful requirements; and

2.3.7.4 Notice of the right to request a hearing.

2.3.7.5 Pursuant to § 24-4-104(10), C.R.S., written notice of the denial, revocation, suspension, limitation, or modification of a permit and the grounds for the action shall be served promptly on the permittee personally or by mailing by first-class mail to the last address furnished to the Department by the applicant or permittee. The notice must also be sent on the same day via email to the applicant or permittee's last known email address.

2.3.8 Appeals

*2.3.8.1 A utility owner may request the Issuing Authority to reconsider, on an informal basis, any objections to or requested revisions of Section 2.3.6 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, 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.

*2.3.8.2 A utility owner may also formally appeal Section 2.3.6 of this Code permit actions. Such appeal and request for hearing shall comply with the following provisions:

*2.3.8.2.1 should the utility owner object to the denial of a permit application by PCPW or to any of 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 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 PCPW offices, 1246 CR 16 Fairplay, CO 80440, or to PWROWpermits@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

*2.3.8.2.2 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 PCPW ROW Manager (ROW Manager) if not resolved, then by 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.

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

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

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

2.3.8.2.6 within ten (10) days of the hearing, if an agreement regarding the utility's objection has not been reached, PCPW shall make a recommendation regarding the validity of 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.

2.3.8.2.7 The Director and the Manager shall take the recommendation of 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 PCPW regarding the objection.

2.4 Installation, Operation and Maintenance

2.4.1 Construction and Inspection

2.4.1.1 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.

2.4.1.2 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.

*2.4.1.2.1 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 requested prior to the initial permit expiration date. There is a $50 permit renewal fee.

2.4.1.3 The permittee shall provide notice to PCPW by email to PWROWPermits@parkco.us at the following times:

2.4.1.3.1 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

2.4.1.3.2 promptly upon completion of the work; or

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

*2.4.1.3.4 County may require permittee to provide 3rd party inspectors and/or testers to be onsite in addition to, or in place of, County inspectors.

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

2.4.1.5 PCPW shall determine the extent of necessary inspection services.

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

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

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

2.4.1.9 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.

*2.4.1.10 No spoils, materials, vehicles or equipment may be stored or left within the traveled way or established clear zone area. Any spoils, materials, vehicles or equipment which may need to be in the traveled way or clear zone while work is occurring shall be properly delineated and signed. No unattended spoils, materials, vehicles or equipment may be left in the traveled way or the clear zone for any length of time. All unattended spoils, materials, vehicles or equipment shall be stored outside of the traveled way and clear zone only per an approved plan, and shall be marked, signed or labeled with the contractor's name and contact information.

2.4.1.11 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.

2.4.1.12 If utility operations cause or observe hazardous materials spills or illicit discharges, the permittee shall immediately notify 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 3.1.7.15 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.

2.4.1.13 If utility operations are not being carried out in compliance with the terms and conditions of the permit, 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, PCPW may order the utility to cease all operations, and if necessary, to remove all equipment and facilities from the ROW.

2.4.1.14 If no permit has been issued for utility work in the ROW, PCPW shall order the utility to immediately cease all operations until such time as a permit is obtained. If deemed by PCPW to be necessary for the public's health, safety or welfare, 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.

2.4.2 Plan Revisions or Altered Work

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

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

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

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

2.4.3 Operation and Maintenance

2.4.3.1 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.

2.4.3.2 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, PCPW before performing any maintenance not expressly covered in the permit.

2.4.3.3 PCPW shall be given proper advance notice of **two (2) full business days, not including the day of notice,** as specified in the permit, whenever maintenance work will affect the movement and/or safety of traffic.

*2.4.3.3.1 Unless otherwise stated in writing, proper advance notice shall be made, at a minimum, via email to the address PWROWPermits@parkco.us

*2.4.3.3.2 An example of what constitutes two (2) full business days, not including the day of notice is:

*2.4.3.3.2.1 proper advance notice given on **Monday**: work may commence on **Thursday** of that same week..

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

2.4.3.4.1 extent and duration of the work; and

2.4.3.4.2 traffic control requirements; and

2.4.3.4.3 required construction or excavation within ROW.

*2.4.3.5 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:

*2.4.3.5.1 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 2.3.1.3 of this Code.

2.4.3.6 Emergency repairs not affecting the movement or safety of traffic may be performed without prior notice to PCPW. The permittee shall notify 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, a MUTCD compliant TCP must be developed, submitted to PWROWpermits@parkco.us and approved. The permittee shall, before commencing such repairs, notify PCPW and the appropriate law enforcement agency to coordinate traffic safety measures.

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

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

2.4.3.9 The permittee shall provide reasonable advance written notice before performing 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 temporary lane closures where utility facilities must be serviced from within the traveled way, provided that the traffic control plan in the original permit addresses such closures. Forty-eight (48) hours of notice is required for all non-emergency work requiring temporary lane closure(s).

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

2.4.4 Safety Corrective Measures

2.4.4.1 The permittee shall promptly perform any corrective safety measures that 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.

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

2.4.4.3 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, PCPW may perform those corrective measures, pending a determination of responsibility and an allocation of cost for that performance.

2.4.5 Utility Relocations Initiated by PCPW

2.4.5.1 The utility shall relocate its existing facilities when 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 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, PCPW shall provide written notice to the utility.

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

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

2.4.5.4 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 PCPW.

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

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

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

2.4.6 Illegal or Nonconforming Installations or Activities

*2.4.6.1 All exposed and/or damaged facilities will be reburied by first identifying the extent of the problem using a series of potholes extending in either direction from the exposed and/or damaged facility. Potholes should be done in one hundred (100) foot increments, or in increments requested by the County or onsite inspector based on conditions, with a designated County representative present until the facility is found to be buried at the correct minimum depth. The facility will then be reburied from the point of exposure to the point where the facility is correctly buried in both directions. A separate permit will be issued for each situation unless otherwise stated in the permit. The facility will be reburied following all Code requirements. See Addendum A for potholing requirements.

2.4.6.2 The utility owner shall, after receiving written notice from PCPW. (Written notice may be via email from PCPW to the permit holder):

2.4.6.2.1 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

2.4.6.2.2 immediately cease all unauthorized utility activities; and

2.4.6.2.3 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

2.4.6.2.4 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.

2.4.6.3 Remedial actions, concerning utility accommodations that existed prior to the effective date of the Code, are subject to the provisions of Section 1.4.11.

*2.4.6.4 Illegal or nonconforming installations or activities, and/or any permit violations may be subject to fines and/or penalties subject to the provisions of Section 2.2.

2.4.7 Abandonment, Retirement, Change in Ownership

2.4.7.1 The utility shall notify PCPW in writing, via email, to PWROWPermits@parkco.us 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.

2.4.7.2 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. PCPW shall notify the utility in writing

when the facilities may be retired in place, along with any applicable special conditions;

*2.4.7.2.1 which should include, at a minimum, as built plans of the abandoned facility. Notification shall be via email.

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

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

2.4.7.4.1 present or potential congestion of utility installations; and

2.4.7.4.2 highway construction and/or maintenance requirements; and

2.4.7.4.3 cost and/or difficulty of removal; and

2.4.7.4.4 presence of hazardous materials such as asbestos; and

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

2.4.7.4.6 traffic and/or safety requirements.

2.4.7.5 PCPW will notify the utility in writing, via email, to PWROWPermits@parkco.us of the determination if and/or when the facilities must be removed.

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

2.4.7.6.1 cap, plug or fill lines; and

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

2.4.7.6.3 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

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

2.4.7.7 When transferring ownership of utility facilities, both the original permittee and the new owner shall notify PCPW in writing, via email, to PWROWPermits@parkco.us 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.

2.4.7.8 Utility facilities containing asbestos shall not be abandoned in-place. Such facilities must be removed from the ROW when removed from service. 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.

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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 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 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 so directed by 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.

*3.1.4.2 The County retains the right to add special provisions that may not be covered by the Code, at any time depending on circumstances, to permits.

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. The types and minimum amounts of insurance acceptable to the County will be specified in the permit application, and in the permit terms and conditions. It shall be the utility owner's responsibility to ensure full compliance with this requirement and failure to do so shall constitute a violation of the permit conditions and expose the utility owner to damage claims resulting from the subcontractor's operations within the County ROW.

3.1.5.2 Policies shall name 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 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 ROW may, with 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 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 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, 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 minimize 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 PCPW, to prevent such migration.

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 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 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 PCPW.

3.1.7.10 When directed by 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 PCPW, the utility shall perform advance paleontological resources investigations in the vicinity of a proposed buried installation, as necessary for 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 PCPW. Any permits, shall include all mitigations prescribed as a result of such investigations.

3.1.7.13 For utilities that lie within any MS4 permit boundaries, the owner of such utility shall contact the state or local entities that have been issued an MS4 permit regarding stormwater-related compliance requirements under the entity's MS4 permit.

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 may enter into the storm sewer system or any State waters must be reported to 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 PCPW.

3.1.7.16 The utility shall notify the CDPHE and 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 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 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 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 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 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, 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 PCPW.

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

3.1.9 Closure Requirements

3.1.9.1 The submission of the As-Constructed plan shall meet all of the requirements set forth in Section 3.3.4.6 absent express approval to be excluded from the requirement to submit plans in the specified electronic file format.

3.1.9.2 The submission of the As-Constructed plan shall be accompanied by an email notification from the Utility requesting that the Permit be closed.

3.1.9.3 The Department shall accept or not accept the work under the Permit upon inspection.

3.1.9.4 When accepted, the Department shall issue a final acceptance of the work by letter.

3.1.9.5 Permittee shall be responsible for continued maintenance responsibilities pursuant to Section 3.4.8.8 for the elements of the highway facility impacted under the Permit until such time that PCPW issues its final acceptance of the work pursuant to this Section (3.1.9).

3.1.9.6 Final acceptance of the work shall begin the two-year warranty period and maintenance responsibilities pursuant to Section 3.4.8.8.

3.1.9.7 Failure to provide the Department with an “As-Constructed” plan when required as well as the Closure request will result in a delay of the final acceptance of the work.

3.1.9.8 Failure to provide the Department with an “As-Constructed” plan and the Closure request will:

3.1.9.8.1 Result in the delay of other permit requests, see Section 2.3.6.2.5; and

3.1.9.8.2 Constitute a failure to perform an obligation imposed by the Permit or Code pursuant to Section 2.3.6.2.3.

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 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 PCPW determines that feasible alternative locations are unavailable. PCPW reserves the right to allow smaller, pole mounted repeaters and telecommunications boosters in the ROW, subject to the same clear zone requirements as other above ground installations.

3.2.2 ROW Access

3.2.2.1 The utility shall not access any area within County highway system ROW without prior notification and written approval of 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, 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 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.

3.2.4.3 For private crossings, shut-offs may be required adjacent to the ROW in case of emergency. Private line owners shall have approved markers on the shut-offs with an emergency contact number.

3.2.4.4 For maintenance work on line crossings or longitudinal installations of private lines, the private line owner shall obtain a permit from the Department.

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 outside of the clear zone 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, (4.57 meters), clear zone, 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, (1.52 meters) in lieu of additional mechanical protection; and/or

3.3.1.3.2 require a flowfill or concrete cap, Class B or better, with a minimum four (4) inches, (101.6 millimeters) 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, (50.8 millimeters) on all sides; and/or

3.3.1.3.4 require encasement in one-quarter (0.25) inch, (6.35 millimeters) wall thickness steel conduit, armored conduit, or other acceptable material.

3.3.1.4 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.

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 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 the AASHTO Roadside Design Guidelines unless otherwise permitted by PCPW.

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 for frangible objects and not less than 4' beyond the front face of curb for rigid objects. Placement of utility related appurtenances shall likewise take into consideration the ADA lateral offset requirements for handicap accessibility which requires a minimum unobstructed sidewalk width of 48".

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, unless otherwise permitted by PCPW.

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 PCPW determines, in accordance with Section 3.2.1.2, that a new above ground installation may be permitted within the clear zone, the utility shall provide countermeasures as directed by PCPW in the permit. Countermeasures may include: installation in locations which minimize exposure to out-of-control vehicles, use of breakaway features, use of impact attenuation devices, and use of delineation and/or shielding. High crash and/or high risk spot locations of fixed utility appurtenances within the clear zone shall not be permitted, such as along ditch flow lines and turning radii of intersecting roads or along the outside edge of horizontal curves.

3.3.3.5 The location and design of traffic barriers and countermeasures shall comply with the AASHTO "Roadside Design Guide" as well as the Manual for Assessing Safety Hardware (MASH).

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, unless otherwise permitted by PCPW.

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(s) 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 PCPW.

3.3.4.3 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 PCPW.

3.3.4.4 After a permit is issued, all plan revisions shall conform to Section 2.4.2 of Code.

3.3.4.5 Record Set

3.3.4.5.1 When the engineering design requires the oversight of a licensed professional engineer, a sealed Record Set is required to be submitted to PCPW prior to the start of construction. The Architects, Professional Engineers, and Professional Land Surveyors Rules and Regulations, 4 CCR 730-1, govern the sealing requirements of engineering documents.

3.3.4.6 As-Constructed Plan

3.3.4.6.1 PCPW shall require the utility to submit "As-Constructed" plans within forty-five (45) days of completion of the work, which shows actual final surface and subsurface utilities, including location, alignment, profile, and depth. Such plans shall be of an electronic format compatible with PCPW software. The plans shall be in electronic PDF file format, 300 dpi, page aligned, searchable, compressed, and compliant with ISO PDF/A-1b or 1a. Additionally, geodetic datum of each structure shall be provided and include the depth of underground utilities, as specified in the Special Provisions of each Permit. Exceptions to this electronic submission requirement must be agreed upon by PCPW in writing.

3.3.4.7 Survey Utility Plan Set

3.3.4.7.1 PCPW may require Survey Plans (as that term is defined above) for utility work.

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 as near as possible to 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.

3.3.5.2 Aerial longitudinal installations in ROW shall be limited to single pole construction. PCPW shall not permit duplication of pole line construction on any highway in the County Highway System. The utility must arrange for the joint use of single pole construction at locations where two or more utilities must utilize aerial facilities.

3.3.5.3 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, (0° C) (no wind displacement), at 120° F, (48.89° C) (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, 5.49 (m)
In ROW, alongside travelled roadway	14 feet, 4.23 (m)

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, (1.22 meters) from top of facility to daylight.

3.3.6.2 Where 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.

3.3.7 Water, Septic, 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:

3.3.7.1.1 water, septic and sanitary sewer pipelines- the local frost penetration depth, or nine (9) feet, (2.74 meters) whichever is greater, or as directed by 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, (12.19 meters) or as directed by PCPW in the permit.

3.3.7.2 The utility shall reroute, or protect the pipeline, as determined by 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.

3.3.7.4 The utility shall construct septic systems and 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, (3.05 meters) 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 septic systems and 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 septic systems and sanitary sewers within the ROW shall be reported to the CDPHE-EMP and PCPW immediately upon discovery and repaired as soon as possible.

3.3.7.5 Sanitary sewers larger than twenty-four (24) inches, (0.61 meters) 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 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 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 PCPW. A 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 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 wiring shall comply with 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 Gas lines, sewer lines, or waterline connections, such as valves, shall not be allowed inside of box girders, tub girders, or within the concrete for concrete box culverts.

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. Any attachment or modification shall not diminish the structural capacity or integrity of the structure. Attachments shall not inhibit the ability to inspect the bridge or its components.

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.

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 If PCPW approves a variance for less than the minimum cover depth specified in Section 3.3.6.1, the utility shall encase buried fiber optic communications lines either in a steel pipe of minimum six (6) inches, (152.4 millimeters) inner diameter and one-quarter (0.25) inch, (6.35 millimeters) wall thickness, or in concrete, Class B or better, of minimum two (2) inches, (50.8 millimeters) thick or trench filled with dyed red flowfill.

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

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

3.3.11.2.1.1 a concrete cap, CDOT Class B or better, minimum four (4) inches, (101.6 millimeters) thickness, the full width of the installation trench; and/or

3.3.11.2.1.2 concrete encasement, CDOT Class B or better, minimum two (2) inches, (50.8 millimeters) on all sides; and/or

3.3.11.2.1.3 encasement in one-quarter (0.25) inch, (6.35 millimeters) wall thickness steel conduit, or other acceptable material; and/or

3.3.11.2.1.4 a tunnel, gallery or innerduct.

3.3.11.2.2 Where metal pipelines are installed in a corrosive environment and encasement is not employed, the utility shall demonstrate that the welded steel carrier pipe will provide sufficient strength to withstand the internal design pressure and the dead and live loads of the pavement structure and traffic. Additional protective measures shall include: heavier wall thickness, higher factor of safety in design, or both, adequate coating and wrapping in accordance with industry standards, cathodic protection, and the use of Barlow's formula regarding maximum allowable operating pressure and wall thickness as specified in 49 C.F.R. Part 192.105. 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 C.F.R. Parts 192 and 195.

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

3.3.11.2.3.1 areas of unstable ground; or

3.3.11.2.3.2 near highway structure footings; or

3.3.11.2.3.3 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

3.3.11.2.3.4 leak-proof construction shall be required.

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

3.3.11.3 The utility shall utilize casing pipe:

3.3.11.3.1 when necessary to facilitate bored or jacked installations; or

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

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

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

3.3.11.4 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 PCPW to be appropriate in the circumstances, including:

3.3.11.4.1 use of non-metallic casings; or

3.3.11.4.2 use of carrier/ casing insulation systems; or

3.3.11.4.3 cathodically protecting casing and carrier pipes as a unit.

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

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

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

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

3.3.11.6 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 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, (45.72 meters) long. The utility shall locate vents at both ends of casings that are longer than one hundred and fifty (150) feet, (45.72 meters). 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 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 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 waste way 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, (6.35 millimeters) or more than one-half (1/2) inch, (12.7 millimeters) 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 PCPW.

3.4.1.2 The utility shall not work at night or on Saturdays, Sundays, or holidays, except as approved by PCPW. 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 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 an 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, 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 PCPW approves the TCP and/or ITCP, and the approved TCP and/or ITCP has been implemented.

3.4.2.5 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 approved TCP and/or ITCP at all times during performance of the work.

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 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, 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 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. 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.

3.4.4.2 The utility may install buried facilities by open cut of the pavement structure only if it demonstrates to 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 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 PCPW, additional cutback of base and surfacing to approximately two (2) feet, (0.61meters) 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 flowfill or other suitable fill approved by PCPW, as described in Section 3.4.5.6 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 PCPW; and

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

*3.4.4.3.9 Repairs shall be completed within 24 hours of installation, unless a variance has been granted in writing.

3.4.5 Trenched Construction, Backfill and Compaction

3.4.5.1 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.

*3.4.5.1.1 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

*3.4.5.1.2 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 should also be used.

*3.4.5.1.3 Under no circumstances shall a trench be left unfilled for more than three (3) business days.

*3.4.5.1.4 If a job is shut down due to a permit violation, any open excavation shall be filled immediately.

*3.4.5.2 The utility shall construct vertical-sided trenches to a depth of no deeper than four (4) feet, (1.22 meters), of uniform width, and no wider than the line diameter plus three (3) feet, (914.4 millimeters), unless the utility demonstrates to PCPW's satisfaction that such construction is impracticable.

*3.4.5.3 All trenches four (4) feet, (1.22 meters) or deeper shall conform to all applicable Federal, State and local jurisdiction construction and safety standards. Examples of protective systems that can be used to comply with the Excavation standards include:

*3.4.5.3.1 Sloping the sides of the excavation to an angle not steeper than one and one half to one (1.5:1) (for every foot, (0.30 m) of depth, the trench must be excavated back 1.5 feet, (457.2 mm). A slope of this angle is safe for any type of soil.

*3.4.5.3.2 Designing a sloping and benching system in accordance with tabulated data, such as tables and charts, approved by a registered professional engineer.

*3.4.5.3.3 Using a trench box or shield approved by a registered professional engineer or designed in accordance with tabulated data approved by a registered professional engineer.

*3.4.5.4 The OSHA Excavation standards do not require a protective system when an excavation is made entirely in stable rock or when an excavation is less than five (5) feet (1.52 meters) deep and a competent person has examined the ground and found no indication of a potential cave-in.

*3.4.5.4.1 Atmospheric testing is required before workers enter an excavation greater than four (4) feet, (1.22 meters) in depth where an oxygen deficiency or a hazardous atmosphere is present or could be reasonably expected.

*3.4.5.4.2 OSHA requires safe ingress and egress to all excavations, including ladders, steps, ramps, or other safe means of exit for employees working in trench excavations four (4) feet (1.22 meters) or deeper. The means of egress must be located so as not to require workers to travel more than twenty-five (25) feet, (7.62 meters) laterally within the trench.

*3.4.5.4.3 All materials and equipment must be placed and kept at least two (2) feet, (0.61 meters) from the edge of the trench. A retaining device to keep materials or equipment from falling or rolling into the trench may also be used.

*3.4.5.4.4 Bell bottom excavations should not be allowed, any worker who enters a bell-bottom excavation or similar deep and confined footing excavation shall wear a harness with a lifeline and conform to all OSHA permitted confined space entry requirements.

*3.4.5.4.5 Permit holders must ensure that a competent person inspects all excavations, adjacent areas, and protective systems daily for possible cave-ins, indications of failures in protective systems and equipment, hazardous atmospheres, and other hazardous conditions. Inspections must be done prior to the start of work and as needed throughout the shift. Inspections are also required after natural events, such as rainstorms, or other hazard-increasing occurrences, such as blasting work. If an inspector finds any unsafe conditions during an inspection, the permit holder must clear workers from the hazardous area until the necessary safety precautions have been taken.

3.4.5.4.6 The utility shall provide drainage from excavation areas.

3.4.5.5 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 spring-line of the pipe when free-flowing granular backfill materials are used, when necessary to obtain proper compaction of pipeline bedding.

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

*3.4.5.6.1 replace excavated material with flowfill as specified by PCPW, flowfill must have an approved mix design between 30-60 psi (0.21-0.40 MPa) compressive strength at twenty-eight (28) days. If flowfill is used, the facility shall be bedded with six (6) inches, (152.4 mm) of squeegee sand above and below the facility compacted by hand tamping. When flowfill is used, the facility shall be surface-detectable by standard methods as outlined in Section 3.4.9. The placement must stop six (6)

inches, (152.4 mm) from the surface, and the final lift shall be CDOT class 5 or 6 (see Table 2) that is mechanically compacted to a minimum dry density of ninety-five (95) percent as determined by AASHTO T180, at within ± two (2) percent optimum moisture content; or

*3.4.5.6.2 replace excavated material with flowfill as specified by PCPW, flowfill must have an approved mix design between 30-60 psi (0.21-0.40 MPa) compressive strength at twenty-eight (28) days. The bedding lifts, one under the facility and one or two, per the facility owner's requirements, on top of the facility shall be six (6) inch, (152.4 mm) lifts of well-graded sand or squeegee sand that is hand tamped. The flowfill shall be placed in such a way as to allow for the installation of the required tracer wire and/or correctly colored ribbon at the appropriate lift levels. When flowfill is used the facility must be surface-detectable by standard methods outlined in section 3.4.9.2 The placement must stop six (6) inches, (152.4 mm) from the surface, and the final lift shall be CDOT Class 5 or 6 (see Table 2), or trench excavated material that is hand screened to minus four (-4) inches, (-101.6 millimeters) that is mechanically compacted to a minimum dry density of ninety five percent (95) percent as determined by AASHTO T180, at within ± two (2) percent optimum moisture content; or

*3.4.5.6.3 place backfill in six (6) inch, (152.4 mm) layers, each consolidated by hand or mechanical tamping and controlled addition of moisture, in the following order:

*3.4.5.6.3.1 the first six (6) inch, (152.4 mm) lift (bedding lift) shall be hand compacted squeegee sand or CDOT class 6 (see appendix A);

*3.4.5.6.3.2 the facility pipe, conduit or line shall then be installed to the depths specified in Section 3.3.6 and 3.3.7;

*3.4.5.6.3.3 the next six (6) inch (152.4 mm) lift, or next several six (6) inch, (152.4 mm) lifts as necessary to protect the facility, shall be hand compacted squeegee sand or CDOT class 6 (see appendix A);

*3.4.5.6.3.4 The remainder of the trench shall be backfilled in six (6) inch, (152.4 mm) lifts of either excavated material that has been hand screened to provide a backfill material of minus four (-4) inches, (-101.6 millimeters), or use an imported class 5 or class 6 road base material. Excavated materials that classify as A-1 through A-2-5 or imported class 5 or class 6 shall be compacted to a minimum of ninety-five (95) percent maximum dry density at within ± two (2) percent optimum moisture content as determined by AASHTO T180. All other soils shall be compacted to ninety-five (95) percent maximum dry density at within ± two (2) percent optimum moisture content as determined by AASHTO T99.

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

*3.4.5.7.1 the first six (6) inch, (152.4 mm) lift (bedding lift) shall be hand compacted squeegee sand or CDOT class 6 (see appendix A);

*3.4.5.7.1.1 the facility pipe, conduit or line shall then be installed to the depths specified in Section 3.3.6 and 3.3.7 of the Code;

*3.4.5.7.1.2 the next six (6) inch, (152.4 mm) lift, or next several six (6) inch, (152.4 mm) lifts as necessary to protect the facility, shall be hand compacted squeegee sand or CDOT class 6 (see appendix A);

*3.4.5.7.1.3 The remainder of the trench shall be backfilled with minus four (-4) inch, (-101.6 millimeters) excavated material or imported CDOT class 5 or class 6 road base in six (6) inch, (152.4 mm) lifts. The material shall be compacted to a minimum of ninety-five (95) percent maximum dry density at within ± two (2) percent optimum moisture content as determined by AASHTO T99 or to a minimum of ninety (90) percent maximum dry density at within ± two (2) percent optimum moisture content as determined by AASHTO T180.

*3.4.5.8 All in ground facilities shall be detectable per 3.4.9.

*3.4.5.9 Compaction testing

*3.4.5.9.1 Permittee shall be responsible for all costs related to compaction testing.

*3.4.5.9.2 All trenches using any material other than flowfill require compaction testing, and testing shall be done at the time of backfilling.

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

*3.4.5.9.4 At the discretion of the Inspector(s), these tests may be waived for street cuts less than thirty (30) linear feet, (9.14 meters).

*3.4.5.9.5 The project will not be placed under warranty until test results have been received and approved by the Inspector(s).

*3.4.5.9.6 Batch testing may be allowed by written variance provided that an approved plan stating a time frame and method for testing is in place. At no time will testing be allowed to take place more than seven (7) days after the first excavation in a batch is completed. Batch testing may be suspended by the County if: the time frame is not met, if tests consistently fail, if test results are inconsistent, or if the County feels for any reason the testing is not producing good results.

*3.4.5.9.7 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:

*3.4.5.9.7.1 One test for every two (2) vertical feet, (0.61 meters) of compacted material,

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

*3.4.5.9.8 For trenches up to fifty (50) feet, (15.24 meters) in total length the test location shall be at the approximate middle of the trench. One test location for trenches of this length, or less, is the minimum required.

*3.4.5.9.9 For trenches fifty (50) feet, (15.24 meters) up to two hundred and fifty (250) feet, (76.2 meters) in length a minimum of two test locations are required with each approximately one third of the distance from each end.

*3.4.5.9.10 For trenches over two hundred fifty (250) feet, (76.2 meters) in length test locations shall be at approximately one hundred (100) foot, (30.48 meters) intervals.

*3.4.5.9.11 All test locations should be at the approximate middle of the width of all trenches.

*3.4.5.9.12 Two types of compaction testing are acceptable. AASHTO T191 in place density and moisture content by the Sand-Cone Method or AASHTO T310, Method A or B, 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. If testing in a trench and the gauge is within six (6) inches, (152.4 mm) of the trench wall, the gauge must be corrected for trench wall effect.

*3.4.5.9.13 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.

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

*3.4.5.9.15 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.

*3.4.5.9.16 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.

*3.4.5.9.17 Inspector may select location(s) for test(s).

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

*3.4.5.9.19 Obtain at a minimum of one (1) per ten (10) nuclear moisture density tests a representative sample of the material, nine (9) pounds, (4 kg) 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 3.4.5.6 of the Code.

*3.4.5.9.20 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.

*3.4.5.10 Winter Underground Work

*3.4.5.10.1 Underground work may be done year-round in the County under these conditions. (the County does not have a moratorium on underground work during the winter).

*3.4.5.10.2 Whenever the frost level is at four (4) inches, (101.6 millimeters) or more at the work site these requirements are in effect.

*3.4.5.10.3 All trenchless methods of installation except plowing as per our Utility Accommodation Code may be used. i.e. directional bore.

*3.4.5.10.4 Plowing shall not be done.

*3.4.5.10.5 Trenching may occur. All normal depth, trench and safety standards apply.

*3.4.5.10.5.1 If a trench is used then the back-fill requirements change. We recommend the use of flowfill to avoid having to meet these changes. Please see our Utility Accommodation Code for Flowfill or similar material requirements. If the Class 5 or 6 or excavated material minus four (-4) inches, (-101.6 millimeters) is used, then it must be brought to a temperature of forty 40° F, (4.44° C) or above at the time of placement in the trench. This usually requires on site heating capabilities. Frozen

material cannot be compacted correctly and will not be allowed as trench backfill. All moisture, compaction and testing requirements remain the same.

3.4.6 Trenchless Installations

*3.4.6.1 Plowing of utility facilities within the ROW, outside of the traveled way, by means of a vibratory plow may be allowed by 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 PCPW to not result in excessive erosion or unacceptable moisture conditions in the roadway subgrade.

*3.4.6.4.1 The possibility and/or anticipation of using water-assisted or wet boring shall be included in the permit application.

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 PCPW. Grout or other approved backfill material shall be used for pipe of twelve (12) inches, (0.30 meters) 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.

*3.4.6.6.1 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.

3.4.6.6.2 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 cu yd, (.76 cubic liters) 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

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 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, 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 depth, per Sections 3.3.6 and 3.3.7 below the lowest expected level of scour or degradation.

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 PCPW in the utility permit.

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

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 minimum, 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 3.1.7.14 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 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 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 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.

3.4.9 Markers, Location Aids and Location Assistance

3.4.9.1 All new underground facilities shall be electronically locatable when installed, including laterals up to the structure or the building being served.

3.4.9.2 All plowed or trenched installations shall include appropriate color-coded warning tape placed not less than 12 inches vertically above the top 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 Department. 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 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 In addition to complying with Section 3.4.3 of the Code and the provisions of Article 1.5 of Title 9 C.R.S. in response to the Department's notification of planned excavations, utility owners shall surface-mark their buried utility facilities that are located within the SH ROW in order to facilitate Department engineering and design activities, upon reasonable request from the Department, and at no cost to the Department. The permittee shall respond to such request within a reasonable timeframe acceptable to the Department, but no longer than 14 days from the date of request, and the accuracy of the surface marking shall be within 18 inch of either side of the actual location of the buried facility.

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ADDENDUM A

***1.0 Utility Potholing Specifications**

*1.0.1 This specification is intended to cover the requirements for coring, vacuum excavation, backfilling and patching of utility locate pot-hole borings in Park County Right of Way.

*1.0.2 The standard practice of vacuum excavation to identify underground utilities is a necessary part of any construction activity in the public right of way. The following requirements are valid for all methods of vacuum excavation.

***1.2 Excavation**

*1.2.1 Excavation may be done by hand or by vacuum excavation.

*1.2.2 The vacuum excavation of underground utilities can be either hydro excavation or air excavation. If the location to be vacuum excavated is located in a paved surface, the pavement must first be cored and the core removed.

*1.2.3 Pavement cores shall not be greater than twenty-four (24) inches in diameter and shall not be placed closer than three (3) feet between cores.

*1.2.4 Soil removed shall remain essentially in the vertical plane below the edges of the core.

*1.2.5 Vacuum bore holes in gravel or unimproved road surfaces do not require any coring prior to excavation.

*1.2.6 The soil removed from the bore holes in gravel or unimproved surfaces shall remain essentially in the vertical plane below the edges of the bore hole at the surface.

***1.3 Backfill and Compaction**

*1.3.1 All excavated holes must be properly backfilled and compacted on the same day that they were excavated. If it is necessary to leave a pothole open overnight permission must be granted from the County and it must be covered and properly delineated. Under no circumstance will a pothole remain open overnight if it is within a traffic lane. Under no circumstances will a pothole remain open for more than forty-eight (48) hours.

*1.3.2 All excavated potholes shall be backfilled with aggregate base course or if the excavation was conducted with air only, the removed native material may be used for backfill. Backfill shall be placed in six (6)-inch lifts and compacted by hand tamping or with pneumatic compaction equipment.

*1.3.3 If the hole is through existing pavement the core hole will be patched on the same day that it was excavated with either HMA (hot mixed asphalt) or cold patch. A suitable means of compacting the patch shall be employed to limit any settlement and provide a smooth and watertight seal with the existing pavement.

*1.4 Spoils

*1.4.1 As stated above, if air excavation is used, the excavated material could be used as backfill in the pot holes. If hydro excavation is used, the excavated material shall be properly disposed of at an offsite location.

TABLE 2

CDOT (Standard Specifications for Road and Bridge Construction Table 703-2) CLASSIFICATION FOR AGGREGATE BASE COURSE							
Mass Percent Passing Square Mesh Sieves							
Sieve Size	**Liquid Limit Not Greater Than 35**			**Liquid Limit Not Greater Than 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				100		
37.5mm (1.5”)				90 – 100			
25mm (1”)					95 – 100	100	100
19mm (3/4”)				50 -90		95	
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 maximum	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			

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