

Ordinance 797

An ordinance creating a new chapter in Title 9 of the Clallam County Code titled "Accommodation of Utilities on County Road Right of Way"

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

**Section 1. Purpose. A new section is created to read as follows:**

The purpose of this Chapter is to establish County administrative and procedural policy needed to accommodate the installation and relocation of all above- and below-ground utilities located within County road right of way. Road Resolution 5, adopted January 20, 1972, by the same name is hereby repealed.

**Section 2. Application. A new section is created to read as follows:**

This Chapter applies to all franchises and permits issued pursuant to RCW 80.32.010, RCW 80.36.040, RCW 36.55, and Clallam County Code, to all public and private utilities and other transmission or transport facilities, and to all installation, maintenance, repair, replacement, adjustment, and relocation of utilities within the County road right of way, including but not limited to electric power, telephone, television, telegraph, communication, water, gas, all petroleum products, steam, chemicals, sewage, drainage, irrigation, and similar pipes, lines or cables. Reference is also made to WAC 136-40 and WAC 136-50-055.

This Chapter cannot address all situations and conditions that may be encountered. Specific provisions contained herein may not be appropriate for all locations and existing conditions. The Chapter is intended to assist, but not substitute for, competent work by both road and utility design and installation professionals. This Chapter is not intended to limit any innovative or creative effort that could result in better quality, better cost savings, or improved safety characteristics.

It shall be the responsibility of any Utility installing or relocating any of its facilities to ascertain and abide by the requirements and conditions of this Chapter.

**Section 3. Definitions. A new section is created to read as follows:**

Unless otherwise stated, words and phrases used herein shall have the following meanings.

- (1) "Appurtenance" means equipment and/or accessories which are a necessary part of an operating utility system or subsystem.
- (2) "Backfill" means the replacement of excavated material with suitable material compacted as specified.
- (3) "Boring" means grade- and alignment-controlled mechanical or other method of installing a pipe or casing under a road without disturbing the surrounding medium. This is typically done with a pneumatic tool that displaces the soil laterally without removing it.
- (4) "Carrier" means a pipe directly enclosing a transmitted fluid or gas.
- (5) "Casing" means a larger pipe enclosing an underground utility for the purpose of providing structural or other protection to the underground utility and/or to allow for underground utility replacement without re-excavation, drilling, or boring.
- (6) "Coating" means a protective material applied to the exterior of a pipe or conduit to prevent or reduce abrasion and/or corrosion damage.
- (7) "Conduit" means an enclosed tubular runway for protecting wires or cables.

(8) "Cover" means the depth to top of pipe, conduit, casing, gallery, or underground utility below the grade of a road prism or ground.

(9) "Drain" means appurtenances to discharge accumulated liquids from casings or other enclosures.

(10) "Drill" means to provide a void for underground utilities by augering through, and removing, the soil.

(11) "Encasement" means a structural element surrounding a pipe or conduit for the purpose of preventing future physical damage to the pipe or conduit.

(12) "Facility" means something that is built, installed, or established to serve a particular purpose.

(13) "Franchise" means the occupancy and use document granted by the County required for occupancy of road rights of way in accordance with RCW 36.55 and RCW 80.32.

(14) "Gallery" means an underpass for two or more utility lines.

(15) "Manhole" means an opening in an underground utility system into which workers or others may enter for the purpose of making installations, inspections, repairs, connections, cleaning, and testing.

(16) "Pavement" means the combination of subbase, base course, and surfacing placed on a subgrade to support the traffic load and distribute it to the subgrade.

(17) "Permit" means a document issued under the authority of the County Engineer or Public Works Director or their designee. The permit provides specific requirements and conditions for specific utility work at specific locations within the right of way.

(18) "Pipe" means a structural tubular product designed, tested, and produced for the transmittal of specific liquids and gases under specific conditions.

(19) "Plowing" means the direct burial of utility lines by means of a 'plow' type mechanism, which breaks the ground, places the utility line at a predetermined depth, and closes the break in the ground.

(20) "Pressure" means the internal gage pressure in a pipe in pounds per square inch, gage (psig).

(21) "Private Lines" means privately owned, operated and maintained utility facilities devoted exclusively to the use of the owner.

(22) "Relocation" means the planned change of location of an existing facility to a more advantageous place without changing the character or general physical nature of the facility.

(23) "Replacement" means the installation of a like element of a utility system or subsystem in the same or near-same physical location, normally due to damage, wear or obsolescence of the element.

(24) "Restoration" means all work necessary to replace, repair or otherwise restore the right of way and all features contained within to the same or equal condition as before any change or construction thereto.

(25) "Right of Way" is a general term denoting public land, property, or interest therein, usually in a strip, acquired for or devoted to transportation or secondary purposes, and also applies to the plural (rights of way).

(26) "Road (or Roadway)" means a general term denoting a street, road or other public way, including shoulders, designated for the purpose of vehicular and/or pedestrian traffic.

(27) "Sleeve" means a short casing through a pier, wall, or abutment of a highway structure.

(28) "Traffic Control" means those activities necessary to safeguard the general public, as well as all workers, during the construction and maintenance of utility facilities within the right of way.

(29) "Trenched" means the installation of a utility in an open excavation.

(30) “Untrenched” means the installation of a utility without breaking the ground or pavement surface such as by drilling or boring.

(31) “Utility” means any facility physically located in, on, or above the ground and serving to distribute materials or services, as addressed in Section 2 of this document. Alternatively, this means the company, person, agency, etc., owning such facility.

(32) “Vent” means appurtenance to discharge gaseous contaminants from casings or other enclosures.

**Section 4. General conditions and requirements. A new section is created to read as follows:**

(1) Location.

(a) Utility installations shall be located to minimize need for later adjustment to accommodate future roadway improvements, future utility expansions, and to permit access to servicing such installations with minimum interference to roadway traffic. Clallam County shall make available to utilities a copy of their six-year transportation improvement program (or capital facilities and transportation plan where required) in order to minimize both utility customer and road user inconvenience should future road improvements (on existing or new alignment) require adjustment or relocating of the utility facilities. Said utilities shall, within the limits of standard business practice, make available appropriate short- and long-range development plans to the County.

(b) Unless otherwise approved by the County, all above-ground utilities and their appurtenances as well as all above-ground appurtenances of below-ground utilities that may constitute a roadside obstacle or hazard for traffic using the road shall be located as close as practicable to the edge of the right-of-way line. If an appurtenance within the right of way would constitute an unacceptable roadside obstacle or hazard, said obstacle or hazard may be:

- (i) relocated to another place within the right of way,
- (ii) converted to a break-away design,
- (iii) crash-protected, or
- (iv) relocated to another location off the road right of way.

(c) Installations that are required for a road purpose, such as street lighting or traffic signals, are to be located and designed in accordance with this Chapter.

(d) Where existing facilities are in place, new facilities shall be compatible with the existing installations and conform to this Chapter as nearly as practicable.

(e) The County may restrict the location of utility service crossings and also the number of utility service crossings. The utility companies shall be responsible for anticipating their present and future needs to determine if several crossings can be combined via a single conduit or similar crossing.

(f) Work on County road right of way shall be performed only by licensed and bonded contractors experienced in the work involved or by the Utility’s own employees. If performed by the Utility’s own employees, they shall have proper training, experience and equipment, and be covered by the Utility’s insurance and bonding.

(2) Design – General.

(a) The Utility shall be responsible for the design of the utility facility being proposed. This responsibility shall include, in addition to the integrity of the proposed utility facility, provisions for public safety during the course of construction, as well as consideration of traffic safety and accident potential for the life of the installation. Design shall adhere to sound engineering principles and be performed by or under the supervision of a professional engineer licensed in the State of Washington, where required by state law.

(b) For work requiring application to the County (typically all work on County right of way or on County-owned property), the County will review the Utility's plans with respect to:

- (i) location,
- (ii) the manner in which the Utility's facility is to be installed,
- (iii) measures to be taken to preserve safe and free flow of traffic,
- (iv) structural integrity of the roadway, bridge, or other structure,
- (v) ease of future road maintenance, and appearance of the roadway, and
- (vi) other relevant factors.

Work shall not begin until approval is given by the County.

(c) Provision shall be made for known or planned expansion of the utility facilities, particularly those located underground or attached to bridges or other structures within the right of way.

(d) Granting of a franchise or permit shall not imply or be construed to mean the County shall be responsible for the design, construction, or operation of the facility or for public safety during the facility's installation, operation, or maintenance.

(3) Standards and codes.

All utility installations shall be designed in accordance with the standards, codes and regulations applicable to the type of utility. The methods of installation and materials used shall conform to the codes and standards promulgated by government and by the industry. This shall also include any road design standards that the County shall deem necessary to provide adequate protection to the road, its safe operation, appearance and maintenance including, but not limited to, the Washington State Standard Specifications for Road, Bridge, and Municipal Construction, latest version. The Washington State Standard Specifications for Road, Bridge, and Municipal Construction and the associated Washington State Standard Plans are considered the best sources of standards for installation and materials for most utilities.

(4) Adjustment and relocation of existing facilities.

(a) Existing underground utilities on County road right of way shall be removed or relocated when work funded by the County would disturb the existing underground utility. All such removal or relocation shall be at the sole expense of the owning Utility and all work must be accomplished by the same permitting process as for new installations.

(b) Notwithstanding reinforcement or protection otherwise provided, a permittee shall be responsible for the security of each existing pipeline and utility within a road construction zone. Where there are unusual utility hazards or where heavy construction equipment will be used, the permittee shall provide adequate temporary protection. In replacing the roadway, the design should give due consideration to the protection of previously existing utilities in the roadway section without sacrificing the geometrics of roadway design.

**Section 5. Permits. A new section is created to read as follows:**

(1) General requirements.

A written permit is required for occupancy of road right of way by all utility facilities, including private lines.

(a) No facility shall be used for other than the purpose stated, unless written approval is granted by the County.

(b) A franchise is required for non-transportation related uses of the right of way. Reference should be made to the terms of the franchise for permit conditions in addition to those on

the face of the permit. The franchise may also address requirements such as insurance, bonding, liability, annual fees, etc., which must be in order prior to issuance of a permit.

(c) Fees are applicable to most permits in accordance with Ordinance 750 (CCC 3.31) or as may be changed at a future date.

(d) Permit applications shall be submitted to the County with enough time in advance of the proposed work to allow adequate time for County review. The required time will vary depending on the complexity of the proposed work. Permits should generally be submitted at least two weeks prior to when approval is needed. If time is of the essence, the Utility is encouraged to coordinate the design and timing of work with the County Engineer and to submit the permit application sooner than two weeks in advance, so as to ensure the permit can be issued in time.

(e) Work shall not commence until the permit has been approved by the County. Utilities shall adhere to the terms and conditions of the approved permit and to its attachments and referenced documents.

(f) Permits are not required for routine maintenance of existing facilities if:

(i) No excavation is required,

(ii) There is no impact to County facilities,

(iii) Proper traffic control is in place including flaggers when recommended,

(iv) The Utility is in compliance with the terms of the franchise (when a franchise is required), and

(v) The County has not otherwise required a permit.

(2) Specific requirements. When required, permit applications shall be submitted in a standard format as prescribed by the County. The permit application shall include the following information:

(a) Agreement to all pertinent provisions of this Chapter and to such special conditions as the County may deem appropriate.

(b) Description of the facilities to be installed.

(c) Adequate exhibits depicting existing or proposed location of the facility in relation to the road, including right-of-way or easement lines; relationship to currently planned road revisions, if applicable; and all locations and situations for which deviations in depth of cover (including the proposed method of protection) or other location standards are anticipated.

(d) The permit application, including proposed utility locations, will be reviewed by the County Engineer to assure the proposed utility installations will not likely soon interfere with existing or planned road facilities or impair road maintenance and operations. Work may not begin until approved by the County Engineer.

**Section 6. Specific requirements – Underground utilities. A new section is created to read as follows:**

(1) Underground utilities – Location and alignment.

(a) For all crossings, the angle of crossing should be as near a right angle to the road centerline as practicable. However, lesser angles may be permitted based upon economic considerations of practical alternatives.

(b) Where practicable, crossings should avoid deep cuts, footings of bridges and retaining walls, or locations where roadway drainage would be affected.

(c) Longitudinal installations should run parallel to the roadway and, particularly for utilities with above-ground appurtenances, should lie as near as practicable to the right-of-way line. Installations that cannot be so installed will be allowed at another location within the right of way, provided that:

(i) The installation will not adversely affect the design, construction, stability, structural integrity, traffic safety, or operation of the road facility; or

(ii) Failure to allow such installation will create an undue hardship or financial burden upon the Utility. This exception requires the specific concurrence of the County Engineer, who may work with the Utility to modify the utility design to minimize road impacts. If no mutually agreeable design can be obtained, the Utility may need to secure additional funding or find another route to access the intended area.

(d) Where irregularly shaped portions of the right of way extend beyond the normal right-of-way limits, a uniform alignment of facilities may be allowed. In areas where right of way is less than standard, the County may, at its discretion, make efforts to obtain additional road right of way, which will provide a uniform offset for the utility.

(2) Underground utilities – Cover.

The grade, depth, and resulting cover for an underground utility shall be in compliance with applicable federal, state and County requirements unless otherwise specified. It shall be the Utility's responsibility to know and apply these requirements.

(a) The grade of the top of the utility and its casing, if present, within the right of way shall comply with the applicable design standards for underground utility location and should not be less than a) 42 inches for electric power lines, b) 30 inches below the pavement surface for utilities other than electric power lines, and c) 2 feet below any ditch, culvert, storm sewer or other drainage facility.

(b) Suitable bridging, concrete slabs, casings, or other appropriate measures as approved by the County Engineer shall be used to protect utilities which by reason of shallow bury or location makes them vulnerable to damage from road construction or maintenance activities. This requirement may be applied retroactively to existing utilities.

(c) Depth of cover may not be reduced for flammable, corrosive, or energized utilities without written request, with justification, to the County Engineer and without special and redundant measures being taken to assure protection of the utility from damage. If not precluded by such things as sidewalks, above-ground warning markers shall also be installed. Work may not proceed without permission of the County Engineer.

(3) Underground utilities – Encasement.

(a) Casings shall be installed for roadway crossings where required by appropriate industry code.

(b) Casings may be required for the following conditions:

(i) As an expediency in the insertion, removal, replacement, or maintenance of a carrier line crossing or other locations where it is necessary in order to avoid open trench construction,

(ii) As protection for carrier lines from external loads, shock, or damage either during or after construction of a road,

(iii) For drilled or bored installations of coated carrier lines unless assurance is provided to the County that there will be no damage to the protective coating, and

(iv) As a means of conveying leaking fluids or gasses away from under the traveled way and to a point of venting at or near the right of way line or to a point of collection.

(c) Within the road right of way, where practicable, casing pipes shall extend beyond the toe of fill slopes, back of roadway ditch, or outside of curb.

(d) Other than for necessary vents and/or drains, casing pipes shall be sealed at both ends.

(e) Casing pipes shall be designed to support the load of the road and superimposed loads thereon and, as a minimum, shall equal the structural requirements for road drainage facilities (e.g.

culverts). Casings shall be composed of materials of sufficient durability to withstand conditions to which they may normally be exposed.

(4) Underground utilities – Uncased carriers.

(a) The carrier pipe shall conform to the material and design requirements of the appropriate utility industry and governmental codes and specifications.

(b) The carrier pipe shall be designed to support the load of the road, plus superimposed loads thereon, when the pipe is operated under all ranges of pressure from maximum internal to zero pressure.

(5) Underground utilities – Appurtenances.

(a) Vents shall be required for casings, tunnels and galleries enclosing carriers of fuel where required by federal safety standards. Vent standpipes should be located and constructed so as neither to interfere with maintenance of the road nor to be concealed by vegetation. Preferably standpipes should stand by a fence or on the right-of-way line.

(b) Drains shall be required for casings, tunnels or galleries enclosing carriers of liquid, liquefied gas, or heavy gas. Drains for carriers of hazardous and non-hazardous materials alike shall be directed to natural or artificial holding areas to prevent the potential for surface or ground water contamination. Drains for which only water may discharge may be directed into the roadway ditch or natural water course at locations approved by the County. The drain outfall shall not be used as a wasteway for routine purging of the carrier unless specifically authorized by the County.

(c) Location markers and emergency information shall be used when required by applicable state and federal standards or by the County.

(d) Manholes should be designed and located in a manner that will cause the least interference to other utilities or future road expansion. Where practicable, installations in the pavement or shoulders should be avoided.

(e) Shut-off valves, switches, or other devices should be installed in the utility at or near ends of structures (e.g. bridges), near hazards where breakage is more likely (e.g. land slide areas) and where breakage would likely cause extraordinary adverse impacts (e.g. streams, wetlands, shorelines).

(6) Underground utilities – Installation

Installations shall ensure safety of traffic and preservation of the roadway structure, and required construction shall, unless otherwise provided in the approved permit, be in accordance with the following controls:

(a) Trenched construction and backfill:

(i) Where the pavement must be removed, it first shall be cut in vertical, continuous straight lines. Cuts shall be made by saw or pavement grinder.

(ii) Trenches shall be cut to have vertical faces, where soil and depth conditions permit, with a maximum width of outside diameter of pipe plus 2 feet. Shoring shall comply with the Washington State Department of Labor and Industries Safety Code.

(iii) The pipe or carrier will be installed and the trench shall be backfilled in a manner assuring that no deformation of the pipe will be likely to cause leakage or other damage. Backfill shall also be done in a manner to restore the structural integrity of the roadway structure. Specific trench backfill requirements regarding materials and methods will be provided by the County.

(iv) When trenching is approved within County right of way, the trench shall be backfilled with approved materials and be compacted. Pavement shall be restored as required by the County. Reference is hereby made to the County's trench backfill details and requirements, which will be provided as part of the permit conditions.

(v) Care shall be taken in utility installations to avoid disturbing existing drainage ways and drainage facilities such as ditches, culverts, storm sewers, drains, under-drains, drywells, manholes, and catch basins. The County Engineer shall be notified when drainage facilities are damaged, and shall also determine when satisfactory repairs have been completed by the Utility at no expense to the County.

(vi) Care shall be taken in utility installations to avoid disturbing existing utilities. When existing utilities are damaged, the owner of the damaged utility shall be notified and repairs made appropriately and at no expense to the County.

(vii) In certain areas, underground utilities should be backfilled with pervious material and outlets should be provided for entrapped water. Perforated drains shall be provided where necessary.

(viii) Tracer tape shall be installed above all underground utilities to provide warning to future excavators. Electric tracing wire systems should be installed where other above-ground methods cannot assure accurate field location or, for metal utility wires, where the system cannot be traced using the utility wire itself.

(b) Untrenched construction may be required for pipelines crossing roads paved with asphalt concrete or cement concrete and for roads paved with bituminous surface treatment when directed by the County.

(i) If sufficient right of way exists, the length of untrenched construction shall extend a minimum of 4 feet from edge of pavement or 1.5 times the depth of the utility, whichever is greater, except that a lesser standard may be permitted by the County Engineer where conditions warrant.

(ii) Overbreaks (collapse or failure of the excavation), unused holes, or abandoned casings shall be backfilled as directed by the County Engineer.

(iii) The proposed method of underground installation shall be one approved by the County Engineer. Water boring under roadways will not be permitted.

(iv) Existing carriers and conduit installed under a roadway shall be physically located prior to pipeline installation.

(c) Plowing of communication and electrical lines adjacent to existing roads by means of a vibrator plow may be allowed by the County, provided that the structural integrity of the roadway is not impaired.

(7) Underground utilities – One Call system.

Utility facilities shall be located and identified in accordance with Title 19 RCW, Chapter 19.122, sections 19.122.010 through 19.122.900 (Washington State One Call System).

**Section 7. Specific requirements – Overhead utilities. A new section is created to read as follows:**

(1) Power and communication lines.

(a) Single-pole construction and joint use of the pole is desirable and should be used whenever feasible.

(b) The minimum vertical clearance for overhead power and communication lines above the road and the minimum lateral and vertical clearance from bridges shall be in compliance with the National Electrical Safety Code and the National Electrical Code. In no case shall vertical clearance over a roadway be less than 18 feet.

(c) Where irregularly shaped portions of the right of way extend beyond the normal right-of-way limits, a uniform alignment of facilities may be allowed. In areas where right of way



is less than standard the County may, at its discretion, make efforts to obtain additional road right of way, which will provide a uniform offset for the utility.

**Section 8. Aesthetic, scenic, and maintenance considerations. A new section is created to read as follows:**

(1) Utility installations shall be designed and constructed to minimize the adverse affect on existing roadside manmade or natural amenities. Special efforts shall be taken to minimize any potential negative impact on areas of scenic beauty (i.e., scenic strips, viewpoints, rest areas, recreation areas, public parks, or historic sites, etc.).

(2) Overhead utility installations will not be permitted in areas of scenic beauty, scenic strips, viewpoints, recreational areas, public parks, historic sites, etc., unless other utility locations are not available, are not technically feasible, are unreasonably costly, or are less desirable from the standpoint of visual quality, and provided the County Engineer concurs.

(3) Refuse and debris resulting from the installation or maintenance of the utility facilities shall be promptly removed once work is completed.

(4) No permit shall give the holder, nor any agent or contractor of the holder, any right to cut, spray, retard, remove, or in any other way modify the physical conditions of any vegetative material or natural feature on the right of way without the consent and approval of the County Engineer, except pursuant to paragraph (6) of this section.

(5) All utilities shall be kept in a good state of repair both structurally and from the standpoint of appearance. If, in the County Engineer's opinion, this is not being done, corrections may be required before the issuance of further permits to the Utility.

(6) The Utility shall trim brush, grass, trees, and all other vegetative matter from within the County right of way within a 10-foot radius of all above-ground appurtenances so as to aid in visual location of the utilities by County personnel. Trimming shall be performed as necessary to keep vegetative growth shorter than the appurtenance. This requirement applies retroactively. Herbicides and other chemical agents shall not be used. The cost and the repair of damage caused by the County to a facility that is not accordingly made readily visible shall remain the responsibility of the Grantee.

(7) All work shall be performed using best management practices to prevent erosion and siltation and to prevent contamination of water (e.g. leakage of hydraulic fluids). The County can be consulted for a list of pre-approved practices.

**Section 9. Installations on roadway bridges and structures. A new section is created to read as follows:**

Attachment of utility lines to a roadway structure (including bridges) may be allowed where such attachment conforms to sound engineering considerations for preserving the roadway structure and its safe operation, maintenance, and appearance. The attachment shall be in accordance with the following:

(1) Attachment of a utility shall not be considered unless the structure in question is of a design that is adequate to support the additional load and can accommodate the utility facility without compromise of highway features, including reasonable ease of maintenance.

(2) Manholes and other utility access panels should be avoided within the roadway portion of the structure.

(3) Attachment on a structure of a pipeline carrying a hazardous material shall be avoided where practicable.

(4) The utility attachment shall not reduce the clearance of a structure where such clearance is critical. Attachment to the outside of a structure should be avoided where there are reasonable alternatives.

(5) Utility mountings shall be of a type that shall not create noise resulting from vibration.

(6) The location of holes to be cut through abutments and piers, including walls, must be acceptable to the County Engineer. No reinforcing steel may be cut without prior approval by the County Engineer, who may require the steel to be first exposed for identification as primary or secondary reinforcement. Holes in wood shall be preservative treated as required by the County Engineer. The hole created in a structure abutment shall be sleeved, shall be of the minimum size necessary to accommodate the utility line, and shall be sealed to prevent any leakage of water or backfill material.

(7) The utility line back of the abutment shall curve or angle out to align outside the roadbed area in as short a distance as is operationally practicable.

(8) Communication and electrical power line attachments shall be suitably insulated, grounded, and preferably carried in protective conduit or pipe from point of exit from the ground to re-entry. Carrier pipe and casing pipe shall be properly isolated from electric power line attachments.

(9) Generally, utility attachments should be beneath the bridge floor, and also between the girders or beams, or within a box girder if the bridge is so equipped. The bottom of the utility should be at an elevation above the bottom of the superstructure. Attachments to the outside of a bridge should be avoided where there are reasonable alternatives.

(10) Utility location on a bridge which would inhibit access to any structural part for painting, repair, or maintenance will generally not be allowed.

(11) In consideration of the County's need to work on the bridge using ladders, lift trucks, scaffolding, machinery, equipment, power tools, and other means, the utility installation on the bridge shall be of heavy duty and durable construction not prone to damage nor deflection by contact with such equipment. All conduits, including water, sewer, fluid, and air lines shall be steel or other approved metal. Plastic is not allowed on the bridge. An exception will be made for power lines where magnetic fields may create heat damage to the cable in metal conduit. In this case, schedule 80 PVC (or heavier) conduit may be used and additional support may be required to prevent sagging and movement of the more flexible conduit.

(12) To the full extent feasible, no new holes may be cut or drilled into the existing bridge or other structure for bolts or otherwise. Rather, utilities should be attached to existing bolts, shall be suspended from clamps, or shall be supported by beams that span the distance between supports. Attachment methods must be pre-approved by the County Engineer and be constructed as approved.

**Section 10. Miscellaneous provisions. A new section is created to read as follows:**

(1) Preservation, restoration, and cleanup.

(a) The size of disturbed area necessary to install a utility shall be kept to a minimum.

(b) Restoration methods shall be in accordance with the specifications of the County and/or special provisions of the franchise, permit, or agreement.

(c) Unsatisfactory restoration work shall be promptly corrected by the Utility. If necessary, unsatisfactory restoration work may be corrected by the County and billed to the Utility.

(d) Disposal of refuse and debris shall be done to the satisfaction of the County Engineer.

(e) The cutting of trees and brush, other than as required in Section 8(6), and the disfiguring of any feature of scenic value is not permitted. The Utility shall repair or replace, in kind, any tree or shrub removed or disfigured when, in the opinion of the County Engineer, such is not necessary for the utility installation. If vegetation which needs to be removed may reasonably have commercial, aesthetic or screening value, the Utility must obtain the approval of the County Engineer before removal.

(f) Citizens often landscape or otherwise plant or place items in the public right of way. When this interferes with placement of a utility in its standard location, disturbance to the landscaping or other item(s) shall be coordinated with the County Engineer. Efforts will be made to minimize expense to the Utility while attempting to please the citizen.

(g) The Utility shall be responsible for any and all restoration or repair of any portion of bridge or road disturbed by the utility installation or use.

(2) Traffic control and public safety.

(a) Traffic controls, including detours for all utility work, shall conform to the currently applicable "Manual on Uniform Traffic Control Devices (MUTCD), as modified by Washington State.

(b) All construction and maintenance operations shall be planned to keep interference with traffic to a minimum. On heavily traveled roads, construction operations interfering with traffic should not be scheduled during periods of peak traffic flow. Work shall be planned so that closure of intersecting streets, road approaches, or other access points is held to a minimum.

(c) Adequate provision shall be made to safeguard any open excavation, and shall include barricades, lights, flaggers, signs, road plates, barriers, and other protective devices as may be necessary.

(d) The storage of materials on or close to the roadways shall not be allowed, and parking of vehicles on or close to roadways shall be kept to a minimum.

(e) The Utility shall confine operations as much as possible to the non-traveled portion of the right of way, and all construction and maintenance activities shall be planned and carried out to keep interference to traffic to an absolute minimum.

(3) Emergency repairs.

(a) All utility facilities shall be kept in a good state of repair. Emergency repairs shall be undertaken in a timely manner.

(b) If emergency repairs disturb the right of way, such repairs may be immediately undertaken and the right of way restored. Approval as to the manner of final restoration of the right of way shall be secured from the County in a timely fashion.

(4) Prior land rights. Where the utility facilities are to be adjusted to accommodate road construction and the utility has a prior property right in its location, the County and the Utility may enter into an agreement providing for joint occupancy of right of way consistent with the requirements of each party.

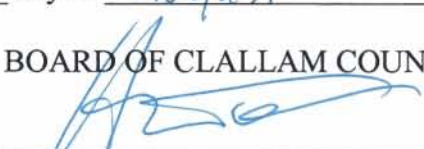
(5) Materials. All utility installations on, over, or under the surface of the right-of-way and attachments to bridges shall be of durable material designed for long service life expectancy and be relatively free from routine servicing and maintenance.

(6) Herbicides. Herbicides shall not be used in County right of way.

(7) Penalties. The County may, at its sole discretion, withhold the approval and granting of permit(s) required for occupancy of the right of way to any Utility who is not in conformance.

ADOPTED this fifteenth day of August 2006

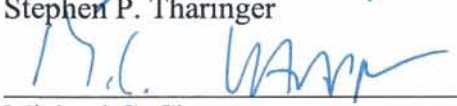
BOARD OF CLALLAM COUNTY COMMISSIONERS

  
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Howard V. Doherty, Jr., Chair

  
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Stephen P. Tharinger

ATTEST:

  
  
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Trish Holden, CMC, Clerk of the Board

  
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Michael C. Chapman