MONROE COUNTY HIGHWAY DEPARTMENT

POLICY ON UTILITY ACCOMMODATION

ADOPTED BY THE MONROE COUNTY HIGHWAY COMMITTEE

18 JANUARY 2019

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CHAPTER I DEFINITIONS

A. GENERAL DEFINITIONS

Unless otherwise provided herein, the definitions established by the American Association of State Highway and Transportation Officials (AASHTO) shall be used as guidance.

B. SPECIFIC DEFINITIONS

1. Clear Zone

That portion of the highway right-of-way free of non-traversable hazards and fixed objects. These areas provide drivers a reasonable opportunity to stop safely or otherwise regain control of their vehicle when it leaves the traveled way. The clear zone generally varies with the type of highway, terrain traversed, highway geometrics and operating conditions.

The ASHTO Roadside Design Guide and Chapter 11 of the Wisconsin Department of Transportation Facilities Development Manual provide guidance in establishing clear zones.

2. MCHD

Monroe County Highway Department

For the purposes of this policy, MCHD shall be transposable with Monroe County.

3. WISDOT

Wisconsin Department of Transportation

4. Emergency Utility Work

Unexpected and un-scheduled activity by a utility deemed necessary to restore an existing utility facility to service and/or to protect public safety.

5. Expressway

A divided highway with limited access control, at grade intersections in rural areas and generally having grade separations at major intersections.

6. Freeway

A divided highway with full access control and grade separations or interchanges at all intersections.

7. **Highway(s)**

   a. **State Trunk Highways**

      The State Trunk Highway system as established under §84.02, Wisconsin Statutes. The term "highway" includes the entire area within the highway right-of-way.

      i. Federal Highways, such as "U.S." or "I", are part of the State Trunk Highway System and are designated by letters and numbers such as I-94 and US 12.

      ii. State Highways are also part of the State Trunk Highway System and are designated by letters and numbers such as STH 27 and STH 173.

      iii. "Connecting Highways" as established under §86.32, Wisconsin Statutes, are actually local jurisdictional streets and not part of the State Trunk Highway System. The WISDOT "Official State Trunk Highway System Maps" identify all connecting highways within Wisconsin.

   b. **County Trunk Highways**

      County Trunk Highways as established under §83.025, Wisconsin Statutes. The term "highway" includes the entire area within the highway right-of-way.

      i. County highways are a part of the County Trunk Highway (CTH) system and are designated by letters such as CTH "A" and CTH "BB".

   c. **Town Roads**

      Town Roads as established under §82.12 and §82.31, Wisconsin Statutes. The term "road" includes the entire area within the road right-of-way.

      i. Town roads are marked by the town having jurisdiction of the road and are designated by name such as Ideal Road or Jackpot Avenue.

8. **Permit**

   The document by which the MCHD grants a utility owner permission to work within, use, occupy or cross a Monroe County highway.

9. **Pipeline**

   A utility facility installed to carry or convey a fluid, gas or other material. Pipelines are generally underground and include the casing and the product being conveyed.

10. **Private Utility Facilities**

    Facilities which convey or transmit a commodity as defined by utility (see #16), but are owned and operated by an individual(s) or non-utility business and are not accessible to the public.

11. **Responsible Person**

    A person having control over a utility project that is not administered by the MCHD.

12. **Right-of-Way**

    A general term denoting acquired interests or rights in land (either all or partial) necessary to build, maintain and operate a highway facility. Not just a fee interest or a permanent highway interest, it encompasses all necessary rights of both a permanent and temporary nature.

13. Applicant

The individual or entity that will own the utility facility which is to be placed in a right-of-way.

14. Traveled Way

The portion of the roadway for the movement of vehicles which includes auxiliary lanes and ramps but excludes the shoulders. The traveled way usually lies between the edge-line striping.

15. Roadway

The traveled way plus shoulders.

16. Utility

Any corporation, company, individual or association, including their lessees, trustees or receivers, or any sanitary district, cooperative association, town, village or city that owns, operates, manages or controls any plant or fixed equipment for the conveyance of communications, electric power, light, heat, fuel, gas, oil, petroleum products, water, steam, fluids, sewerage, drainage, stormwater, irrigation or similar facilities.

The owners or operators of cable television systems, cellular phone and wireless systems, publicly owned fire or police signal systems, traffic and street lighting facilities or privately owned facilities which perform any of the utility functions above.

17. Utility Construction

Any use by a utility of labor or materials to install or provide for the installation of a new or upgraded utility facility or to replace all or a significant portion of an existing facility.

18. Utility Facilities

a. Transmission Facilities

A utility facility which generally carries a product from the source to the distribution network. Alternative terms include "communication feeder", "toll" and "trunk lines".

b. Distribution Facilities

A utility facility which distributes a utility product or commodity from a transmission facility to points convenient for its customers.

c. Service Facility

A utility facility which serves a single customer via a connection with a distribution line. Alternative terms for a service line include "lateral" and "drop".

19. Utility Maintenance

Any use by a utility of labor or materials for repairs or replacement of parts of an existing utility facility to maintain its use as intended, limited to the work types as further defined herein.

20. Utility Operation

Any activity by a utility to assure the function of an existing utility for its intended purpose.

CHAPTER II INTRODUCTION

A. ACCREDITATION

The Monroe County Policy on Utility Accommodation is derived from the Wisconsin County Highway Association's Uniform Utility Accommodation Policy (2012) and has been amended and formatted to address the particular concerns of the Monroe County Highway Department.

B. OVERVIEW OF UTILITY ACCOMMODATION

The MCHD operates the Monroe County highway system to provide a safe and convenient means for the vehicular transportation of people and goods, and utility owners provide essential services to the public. Both the MCHD and utility owners typically provide facilities which consider present as well as future needs. Cooperation between these two entities is essential if the public is to be served at the lowest possible cost consistent with their respective public service needs, obligations and interests. Although the MCHD strives to accommodate utility facilities whenever possible, the permitted use and occupancy of highway right-of-way for non-highway purposes is subordinate to the primary interests and safety of the traveling public.

C. PURPOSE OF THE POLICY ON UTILITY ACCOMMODATION

The purpose of the Policy on Utility Accommodation is to prescribe the policies and procedures that shall be met by any utility whose facility currently occupies, or will occupy in the future, any highway right-of-way or bridge over which the MCHD has jurisdiction.

This policy applies to all public and private utilities as defined in Chapter I (B)(10) and (B)(16). It also applies to all existing utility facilities retained, relocated, replaced or altered, and to new utility facilities installed in Monroe County highway rights-of-way.

Highway facilities operated by the MCHD for the purpose of providing for motorist and public safety shall not be bound by the policies and procedures contained within this policy.

D. UTILITY ACCOMMODATION ENABLING STATUTES

The MCHD regulates the use, occupation, and utility accommodation of the county trunk highway system under § 66.0425, 84.08, 85.15, 86.07, 86.16 and 182.017, Wisconsin. Statutes.

E. UTILITY ACCOMMODATION

The MCHD will utilize this policy when processing requests for utility accommodation or when managing facilities that are already located in the right-of-way:

1. Permits

The MCHD may permit utility facilities on highways under its jurisdiction when:

a. Such use and occupancy does not adversely affect the primary functions of the highway or materially conflict with the highway's safety, operational or visual qualities.

b. There would be no conflict with the provisions of Federal, State or local laws or regulations, or the accommodation provisions stated herein.

c. The occupancies would not significantly increase the difficulty or future cost of highway construction or maintenance.

A utility shall conform to this policy each time a permit is authorized for its work. Should the policy be amended, an existing utility facility is not required to meet the new version unless proposed changes to that facility require a new permit from the MCHD.

2. Additions

Nothing in this policy shall be construed as limiting the rights of the MCHD to impose restrictions or requirements in addition to, or different than, those stated herein when the MCHD deems it necessary to do so. An explanation for such action will be provided to the utility.

3. Modifications

The permitted facilities shall, if necessary, be modified by the utility to facilitate alteration, improvement, safety control or maintenance of the highway as may be ordered by the MCHD after permit approval. All costs for the construction, maintenance, modification or relocation of the permitted facilities shall be the obligation of the utility owner, unless a specific MCHD-executed utility parcel or agreement otherwise provides.

CHAPTER III INDEMNIFICATION

The Applicant shall save and hold harmless the MCHD, its officers, employees and agents from all liability, damage, loss, expense, claim, demand and action of any nature whatsoever arising out of any act or omission of the Applicant in any way connected with the work to be performed pursuant to this permit, or the construction or maintenance of facilities by the Applicant, in the MCHD right-of-way which is the subject of this permit. Notwithstanding the foregoing, the Applicant shall not be obligated to indemnify the MCHD or its officers, employees or agents for that portion of any liability, damage, loss, expense, claim, demand or action caused by the negligent, wanton, intentional or otherwise wrongful act or omission of the MCHD, or its officers, employees or agents.

The MCHD will remain responsible for concerns relating to highway design but will not incur liability on behalf of the Applicant simply by granting a permit, unless the granting of that permit is otherwise negligent or improper.

CHAPTER IV GENERAL

A. BURIED LINE LOCATING NOTIFICATION

Each applicant for a permit to work within a MCHD right-of-way shall provide a reliable line-locate notification service by either or both of the following means:

1. If the applicant has membership in a one-call utility notification service, it shall enter the current telephone number(s) for the service on the face of each MCHD permit application form. The applicant shall also provide written notification to the MCHD upon or in advance of any subsequent changes in the one-call contact information such as cessation of membership, or changes in the contact telephone number(s).
2. If the applicant lacks membership in a one-call utility notification service at the time of application for a MCHD permit, or has membership but desires to provide a second resource for line locates, they shall:
   a. Provide operational area maps (minimum of one) that accurately specify the area(s) in which the applicant has lines, facilities or a franchise to install lines and facilities. The applicant shall advise the MCHD of any future changes in its operational area(s) and shall supply updated maps identifying those areas, and
   b. Enter on the face of each permit application the current telephone number(s) to be called to obtain specific line and facility locates from the applicant. The applicant shall notify the MCHD of any change to these telephone numbers.

B. DESIGN RESPONSIBILITY

The utility shall be responsible for the design of the facility to be installed or modified within the right-of-way. The MCHD shall be responsible for review of the proposal and for permit approval.

C. UTILITY FACILITY CONDITION REQUIREMENTS

All utility facilities shall be kept in a state of good repair both structurally and aesthetically.

D. CHEMICAL TREATMENT AND CUTTING OF TREES

Utilities are prohibited from chemical treatment or cutting of trees on MCHD highways without a permit from the MCHD, except as provided under Sections XII and XIII of this policy. The utility shall provide the MCHD with Material Safety Data Sheets (MSDS) for any chemical being used.

E. DRAINING WETLANDS

The placement of privately-owned lines, conduits, structures or facilities within the highway right-of-way for the purpose of draining or otherwise impacting wetlands is prohibited.

CHAPTER V EMERGENCY WORK

Emergency situations may arise when immediate action to protect public safety requires utility operations within a MCHD right-of-way that are not in full compliance with the provisions of this policy. Nothing herein shall be construed as requiring a utility to delay such emergency repair.

Emergency repairs may be performed within the right-of-way when physical conditions or critical time considerations prevent the typical application for a permit. However, as soon as possible, the utility shall advise the MCHD of the emergency, its plans or actions for alleviating the emergency situation(s), and shall make arrangements for the control and protection of traffic or pedestrians affected by its proposed operations. When this policy requires a permit for such work, a permit shall be obtained as soon as possible and any alterations deemed necessary through the permit review and approval process shall be made in a timely manner.

CHAPTER VI ABANDONED FACILITY

A. ABOVEGROUND FACILITIES

If a utility discontinues use of an aboveground facility, the facility shall be entirely removed from the right-of-way within one (1) year after its use is discontinued unless written approval for a time extension is granted by the MCHD, or an appropriate permit is requested by the utility and approved by the MCHD for sale of the facility to another utility.

B. UNDERGROUND FACILITIES

(This does not waive a utility's rights and responsibilities under §182.0175, Wisconsin Statutes.)

Effective January 1, 2000, a record of underground utility facilities abandoned in the right-of-way shall be maintained in a utility's permanent files until the facility is completely removed from the ground. The record should be of similar quality and detail as any other map or plan submitted to the MCHD for permit approval. A utility shall take action as necessary to provide an approximate location of abandoned facilities in the future. The approximate location provided by the utility shall be within a ten (10)-foot-wide corridor, (five (5) feet either side as measured perpendicular to a facility). If a utility facility is to be abandoned as a part of a permit for a new facility, it shall be field located and shown on the permit application for the new facility.

Upon request by the MCHD, each utility and the MCHD requesting the information, shall agree on the method of transferring the abandoned facility information in accordance with the mapping capabilities of the utility. A utility shall update the map annually if requested by the MCHD. The utility may place a disclaimer on the abandonment map such as:

> "The locations on this map cannot be relied upon for any purpose except general information and planning that an abandoned utility facility is in the right-of-way. The user remains obligated to contact the Wisconsin One-Call Center at least three working days prior to any excavation. All utility facilities uncovered in the right-of-way shall be handled as active or energized until confirmed by a utility representative that it is an abandoned or temporarily de-energized facility."

Upon request by the MCHD, the utility shall provide a map (noted above) indicating all facilities abandoned prior to January 1, 2000, if the utility has maintained such records.

When the MCHD intends to perform work in an area, it may call the utility to request confirmation of any abandoned facilities in that area. The utility shall respond to the request within ten (10) calendar days and shall provide the MCHD with a more detailed record of the abandoned facilities in that area, if available.

When an unidentified utility facility is exposed or damaged, the MCHD shall call the utility to have a representative visit the site and identify its facility. The utility should physically respond to the site, if required, or contact the MCHD's representative within two (2) hours, and in all cases shall physically respond to the site within six (6) hours after notification, if required.

The MCHD shall not require a utility to physically remove any abandoned underground facility so long as a permanent record of its location is maintained and if it does not prevent the construction or modification of any highway improvement or structure. However, abandoned appurtenant facilities such as manholes and pull boxes shall be filled in or removed in accordance with the current edition of the WISDOT ***Standard Specifications for Road and Bridge Construction***.

C. STRUCTURE ATTACHMENTS

Abandoned utility facilities that have been placed upon or attached to highway structures shall be removed within sixty (60) days of the abandonment unless otherwise approved by the MCHD. All removal costs shall be the responsibility of the utility.

CHAPTER VII COMPLIANCE

A. AUTHORITY

Representatives of the MCHD have the authority to enforce the Policy on Utility Accommodation and those specific provisions related to individual utility permits. These representatives, or inspectors, include the county highway commissioner and his/her designee. It also includes the project engineer when utility permits are part of a construction or improvement project.

All utilities, including all consultants, contractors and subcontractors working for utilities, are required to abide by this policy and those specific provisions related to individual utility permits.

The utility may appeal a permitting decision or determination, in sequence, to the permit inspector, to the Monroe County Highway Commissioner, and finally to the Monroe County Highway Committee. The decision of the Highway Committee shall be final.

B. FAILURE TO COMPLY

At the MCHD's discretion, the following measures may be taken if a utility fails to comply with this policy or individual permit provisions:

1. Verbal Request for Corrective Action

The request shall include:

a. The reason(s) why the present or completed operation is (was) not in compliance with the policy or the individual permit provisions,

b. What action must be taken to correct the situation, and

c. What additional action may be taken if step b is disregarded (steps B(2) through B(7) below).

2. Written Warning

The MCHD shall issue a written warning to the utility for violating the policy or individual permit provisions should the utility not comply with the verbal request.

The written warning shall serve as documentation of the violation described in the verbal request.

3. Suspension of Work Activities

If the responsible person at an inspected worksite fails to comply with a verbal request, the inspector may order the suspension of all work activities at the site. If this occurs, the county highway commissioner shall be informed of the situation. If the county highway commissioner cannot be contacted, the patrol supervisor, engineer or permit coordinator shall be notified.

The MCHD shall then contact an appropriate supervisor at the utility to explain why the operation was suspended and what action needs to be taken before work can resume.

4. Removal of Installed Facilities

Any facility installed by a utility shall be in the location shown on the approved permit. If a facility is found to be in an inappropriate location, the utility shall be notified and shall have two (2) weeks' time to determine its corrective action. If the utility fails to take corrective action, the MCHD may cause to have the facility relocated or removed, at the utility's expense.

5. Permit Revocation

When a utility continues to be in noncompliance with the policy or individual permit provisions, the MCHD may revoke the utility's permit. The utility may reapply for a permit to the MCHD when it can demonstrate a good faith effort to comply.

6. Public Service Commission (PSC) Notification

Continued or repeated violations by a utility of the policy or its individual permit provisions may cause the MCHD to notify the PSC and request its assistance in correcting the situation.

7. Withholding Approval of Future Permits

Continued or repeated violations by a utility of the policy or individual permit provisions may cause the MCHD to withhold approval of permit applications for that utility until the violations are corrected to the satisfaction of the MCHD. The severity and number of written reprimands against a utility may serve as a guide in determining future permit approval.

C. PROCEDURES

When a utility construction site is inspected by the MCHD or its representative to determine compliance with the policy or permit provisions, the following procedures may be utilized:

1. Inspection of Work in Progress

Upon reaching a work site, the inspector shall locate a responsible person and ask to review and discuss the utility operation. If applicable, a review of a copy of the permit, which the utility or its contractor is required to have available at the site, shall also be performed.

If the inspector determines that changes to the operation are needed in order to bring it into compliance with the policy or provisions of its permit, then a verbal request is the first corrective measure which shall be taken, pursuant to Chapter VII (B)(1).

2. Inspection of Completed Work

After a permitted operation has been completed, the utility is required to notify the MCHD that work on the permit is complete and the job site is ready for inspection by the MCHD. If the work is found to be in violation of the policy or the provisions of the permit, then a verbal request is the first corrective measure which shall be taken, pursuant to Chapter VII (B)(1). The utility shall then have two (2) weeks' time to determine its corrective action.

D. IMMEDIATE ACTION (WORK IN PROGRESS)

When a utility operation or installation is not in compliance with the policy or the provisions of the permit and is adversely affecting public safety, the inspector shall take immediate action.

If a responsible person refuses to comply with the verbal request and does not take immediate corrective measures to ensure public safety, the inspector may cause to have the utility or its contractor(s), subcontractor(s) or consultant(s) removed from the MCHD's right-of-way. The inspector shall also take immediate measures to return the highway to a safe operating condition.

CHAPTER VIII ENVIRONMENTAL CONDITIONS

A. INTRODUCTION

This policy specifies the utilities responsibilities and the procedures that it shall follow when sensitive environmental conditions are encountered in the right-of-way. These conditions include, but are not limited to: 1) archeological sites, 2) historic structures, 3) contaminated soils, 4) underground storage tanks (UST's), and 5) leaking underground storage tanks (LUST's).

B. MCHD RESPONSIBILITY

The MCHD shall notify a utility when its facilities may be affected by a proposed improvement project. If the utility confirms that its facilities are in the vicinity of the improvement, the MCHD shall mail the utility at least that portion of the improvement plan that concerns those facilities. The MCHD shall also provide any additional information needed by the utility to design and lay out the removal, relocation or modification of the existing utility facilities and the placement of relocated or additional facilities within the project limits including information regarding any environmental conditions if site assessments are performed as a part of the MCHD's project.

C. UTILITY RESPONSIBILITY

The utility shall be responsible for performing a site assessment for its own facilities. Utilities which obtain a permit from the MCHD shall be alone responsible for assessing the right-of-way for environmental conditions where utility operations will occur to determine if the project area includes endangered species habitat. The utility shall be alone responsible for preservation or mitigation of sensitive habitat in compliance with Wisconsin Department of Natural Resources (WDNR) regulations. Areas of specific concern include habitat for the federally endangered Karner Blue Butterfly and any other species specified by the WDNR.

D. SITE ASSESSMENTS

The MCHD will provide, upon request, any information it has available on environmental issues.

When a utility needs to do site assessments (investigations), the procedures listed in the WISDOT ***Facilities Development Manual (FDM)*** may be used as a guide. Specifically, Chapter 26 has information on archeological and historical assessments and Chapter 21, Section 35 has information regarding contaminated site assessments. Copies of the FDM may be obtained from WISDOT.

Site assessments should be performed by a qualified historian, archeologist or environmental consultant if the utility does not employ personnel specifically qualified for this work.

E. DISCOVERY OF ENVIRONMENTAL CONDITIONS

Whether the discovery of regulated environmental conditions occurs during a site assessment, facility installation or maintenance operation**, all work shall be immediately suspended** and shall not resume until the concern has been appropriately managed. Failure to do so may result in financial liability, pursuant to Chapter VIII (H), for the utility resulting from subsequent site assessments, mitigation, remediation or financial penalty. Specifically, if a utility fails to comply, it may be liable for a percentage of the costs should the situation degrade due to the utility's action.

Should site conditions potentially compromise public safety or health, local law enforcement and emergency response shall be notified immediately and the utility shall take actions necessary to provide for the safety of people and property in the area. After operations are suspended, the utility shall contact the appropriate regulatory offices to report the conditions discovered.

F. UTILITY FACILITY PLACEMENT OPTIONS

When compromising environmental conditions are discovered within the right-of-way, the WDNR or the State Historic Preservation Office (SHPO) shall determine whether a utility can locate its facility within the area of concern. Based upon their decision, the following may occur:

1. **The utility entirely avoids the affected area:**
   a. The WDNR or SHPO determines that the area of concern shall be left in its natural state, and that no utility facilities shall be allowed within the area of concern.
   b. The utility decides to locate in another area and avoid possible delays to its project due to site assessments, remediation, mitigation or the possible decision noted in 1(a).

2. **The utility can locate around or through the affected area:**

   a. The WDNR or SHPO orders that potential impacts to the area of concern be completely remediated or mitigated before any utility installation or operation can occur.

   b. The WDNR or SHPO decides that the area of concern can be left in its natural state, but any area that is disturbed or affected by the utility operation (based upon WDNR's or SHPO's assessment) must be remediated or mitigated.

   c. The DNR or SHPO decides that the area of concern can be left in its natural state, and the conditions do not have to be remediated or mitigated as long as the utility exercises care to avoid any significant disruption to the area. In the case of an archeological or historical site, a utility may be allowed to place a facility in an area that was already disturbed. In the case of a hazardous materials site, a utility would have to utilize construction methods that would prevent any contamination from spreading.

Unless the MCHD has assumed responsibility for the remediation or mitigation process due to a MCHD project, a utility that decides to locate its facility within an area of concern, as described in §2 (a), (b) and (c), shall document in its permit application that it has contacted the WDNR or SHPO and has received the proper authorization to locate in the area, and shall document its proposed construction methods. The utility will be responsible for all associated costs.

G. PERMIT AMENDMENT REQUIRED

Should the environmental review process result in any amendment to an approved MCHD permit, such amendment must be approved by the MCHD prior to proceeding with construction.

H. FINANCIAL RESPONSIBILITY

When a utility performs an initial site assessment within MCHD right-of-way, either with a project of its own or because a MCHD project is not required to obtain concurrence, the utility shall bear the cost of the assessment. If an environmental concern is identified, a WDNR assessment must be performed. No matter who performed the initial assessments, or even if an assessment was not completed, a utility that discovers any environmental concerns shall **not** be responsible for assessment, mitigation or remediation costs provided it has complied with this policy and has avoided the area of concern by placing its facility in another permitted location.

The MCHD priority will be to avoid and preserve sensitive environments, archeological sites and historic structures rather than expend resources to conduct extensive site assessments.

CHAPTER IX PERMITS

A. NEED FOR A PERMIT

A utility shall obtain a permit from the MCHD before any use or occupancy of MCHD right-of-way is allowed. This includes a utility that wants to occupy an existing support system (example: attaching to another utility's existing poles). Exceptions to this are identified in Chapter XIII.

B. PERMIT AUTHORIZATION TO USE AND/OR OCCUPY RIGHT-OF-WAY

By issuance of a permit, the MCHD formally authorizes, subject to all applicable permit conditions, that a specified use and/or occupancy of the identified MCHD highway right-of-way is not adverse to the highway interests at the time of the permit approval.

The MCHD does not warrant that public title to the right-of-way is free and clear, does not certify that it has sole ownership, and does not indicate any intention to defend the utility in its peaceful use and occupancy of said lands.

The permit does not transfer any land, nor give, grant or convey any land right, right in land or easement subject to applicable statutes.

Written authorization from the MCHD does not relieve the utility from compliance with all applicable federal and state laws and codes and local laws and ordinances which affect the design, construction, materials or performance of its work. The MCHD's authorization shall not be construed as superseding any other governmental agency's more restrictive requirements.

The utility should retain a copy of the permit in its files during the entire time the facility is located in, over or under the MCHD's right-of-way and shall have a copy of the permit available at the project site during construction.

All utility permits issued by the MCHD are revocable for cause as provided herein. Section VII (B) highlights the measures that may be used by the MCHD in order to revoke a permit.

C. GENERAL POLICY

A utility's request to use and occupy the right-of-way cannot be considered until adequate information is provided regarding its proposed work. The amount of detail will vary with the complexity of the installation and the highway involved, but must include the appropriate permit application form, dimensioned drawings or sketches, and installation information so that the effect of the highway operation, traffic safety and aesthetic qualities can be evaluated.

D. PERMIT APPLICATION FORM

Utilities shall only use the permit application form provided by the MCHD.

Alteration of the permit application form by the applicant is prohibited and shall be cause for rejection of the application or revocation of the permit.

The permit application form is found in "ATTACHMENT A" and may be duplicated as needed.

One original permit application form, **with an authorized signature**, plus two copies of the drawings, sketches and installation information shall be submitted per application to the MCHD. The telephone number of the applicant's local contact person and person in charge of construction shall be included on each permit application form.

E. PERMIT LIMITS

The permit application shall include the limits (project endpoints) of all proposed work. If the utility facility extends into more than one county, a separate permit application shall be completed for each county, submitted to each respective county.

The permit authorizes only the work described in the permit application of and for the applicant indicated in the permit. The permit shall not grant authority for the present or future installation of any other facility.

F. PERMIT DRAWINGS

Each permit application shall include drawings showing the proposed location of the utility facility within the right-of-way, with respect to the existing highway or any proposed highway improvement and any existing utility facilities. The details shall include dimensions from the proposed utility installation to the commonly accepted right-of-way line and to the edge of the traveled way.

For highway crossings, a cross-section detail showing depth of bury or overhead clearance is required along with the location of any bore pits, if applicable. A distance reference from the crossing to the nearest public roadway intersection is also required. Land ties (approximate distance from the proposed facility to intersecting roadways and other landmarks) shall be submitted with all permit application drawings.

G. INSTALLATION INFORMATION

The utility shall provide the following installation information:

1. This information shall include, but is not limited to, a general description of the location, size, type, nature and extent of the utility facilities to be installed or to be modified, and the impact on the utility's existing facilities to remain in place within the right-of-way.
2. The MCHD may require a utility to provide a description of proposed construction procedures, special traffic control and protection measures, proposed access points, coordination of activities with the highway contractor, or trees to be removed.
3. When an attachment to a structure is proposed, the utility shall include information to include, but not limited to, bridge number, weight of lines, hanger spacing, hanger details and expansion/contraction details.

See Section X (I) for additional requirements regarding structure attachments.

H. ENGLISH UNITS

All permit application forms and submittals shall be in English units of measurement.

I. APPLICATION MODIFICATION

The MCHD has the right to modify the utility's permit application as necessary to protect the highway interests. The modifications may be more restrictive than what was originally proposed.

The permit, as approved, shall establish the conditions with which the utility shall comply in order to use or occupy the right-of-way. Changes to the permit may include, but are not limited to, amending traffic control plans and utility locations due to conflicting interests or field conditions.

J. PERMIT FEES

Fees designed to reimburse the MCHD for the cost of processing, review and inspection of utility permits and the administration of utility accommodation program will be assessed to each permit issued by the MCHD. Fees are due at the time of permit application unless the utility has made alternative arrangements in advance. The MCHD will not process permit applications unless the application is accompanied by the appropriate fee.

1. Variable fees may be assessed as follows:
   a. Routine service connections - singular connection from an existing distribution line located in a highway right-of-way to an individual adjacent property.
   b. Installation of distribution lines - placement of a distribution line or facility within the highway right-of-way, parallel to the highway centerline.
   c. Installation of transmission lines - placement of a transmission line or facility within the highway right-of-way, parallel to the highway centerline.
   d. Installation of underground service, distribution or transmission lines across the highway.
   e. Installation accomplished by open trench, or "open cut" across the roadway pavement.
2. The current MCHD fee schedule is attached to this policy as "ATTACHMENT B".
3. Separate permit and occupation fees may be assessed on large transmission facilities, as defined, authorized and regulated by the Wisconsin Public Service Commission.

CHAPTER X LOCATION REQUIREMENTS

A. GENERAL LOCATION

Utility facilities shall be located in such a manner to minimize the need for later adjustment to:

1. Accommodate proposed highway improvements.
2. Permit servicing or expanding such lines without interference with highway traffic.
3. Provide adequate vertical and horizontal clearance between an underground utility facility and a structure or other highway facility to facilitate maintenance of those facilities.
4. Remain outside of a forty-five degree (45°) support prism for the footings of highway structures.

B. CROSSING LOCATION

Utility facilities shall cross the highway as nearly perpendicular to the highway (centerline) alignment as possible.

Conditions which are generally unsuitable or undesirable for underground crossings should be avoided. Crossing locations to be avoided include, but are not limited to:

1. Deep cuts in the roadway.
2. Crossings near footings of bridges or retaining walls.
3. Crossings at highway intersections at grade or ramp terminals.
4. At cross drains where the flow of water may be obstructed.
5. Crossings within basins of an underpass drained by a pump.
6. In wet or rocky terrain where it will be difficult to attain minimum bury.

C. UNDERGROUND LONGITUDINAL LOCATION

The longitudinal location of underground utility facilities within the right-of-way shall provide as much clearance from the traveled way as conditions will allow. **Such lines shall be on uniform alignment and be located at or as near as practical to the right-of-way line.**

To maintain a reasonably uniform utility alignment, location variances may be allowed when irregular-shaped portions of the right-of-way extend beyond the normal right-of-way limits.

D. ABOVEGROUND LONGITUDINAL LOCATION

The longitudinal location of aboveground utility facilities shall be outside of the clear zone. Such lines shall be on uniform alignment and be located at or as near as practical to the right-of-way line. Exceptions may be granted when no other location is feasible or when the clear zone extends to the right-of-way line.

If any aboveground utility facility is within the clear zone or is determined to be in a location that has a higher than average crash potential, the MCHD may require:

1. The utility facility to be of approved yielding or breakaway construction, or
2. The utility facility to be protected by a MCHD-approved barrier such as beam guard, crash cushion or other protective device.

To maintain a reasonably uniform utility alignment, location variances may be allowed when irregular-shaped portions of the right-of-way extend beyond the normal right-of-way limits.

E. EXISTING UTILITIES

When a utility facility exists within the right-of-way of an existing or proposed highway, it may remain in place provided that it does not adversely affect highway safety, based on sound engineering judgment, and considerations of the expense of the roadway improvement and the expense of relocating the utility. The existing facility shall be relocated if the facility:

1. Conflicts with any construction activities, or
2. Is located longitudinally under the pavement or shoulder of a highway to be reconstructed.

Exceptions to the above may be considered. The decision to grant such exception will be based upon sound engineering judgment. Economic impacts may also be considered.

F. SUBSURFACE UTILITY ENGINEERING

The use of subsurface utility engineering (SUE) to locate buried facilities is approved by the MCHD. Any utility installation using SUE shall be noted on the permit application form.

G. APPURTENANCES

1. General Policy

Appurtenant facilities such as pedestals, manholes, vents, drains, rigid markers and valve and regulator pits should be located outside the clear zone and near or at the right-of-way line, and shall be installed so that their uppermost surfaces are flush with the adjacent undisturbed surface.

All utility pedestals, cabinets, transformers and other aboveground (not flush with the ground) structures located within the highway right-of-way shall be adequately marked. Markers shall be installed and maintained by the utility owner. The MCHD will not be liable for damage done to aboveground utility structures that are not adequately marked.

2. Buildings

Buildings shall not be located on the right-of-way. Exceptions may be granted in cases where the building can be located on MCHD-owned right-of-way other than a county trunk highway.

3. Cabinets

Cabinets should not be located on the right-of-way. When cabinets are allowed on the right-of-way they shall be placed outside the clear zone and at or as near as practical to the right-of-way line. Cabinet foundations shall be flush with the existing ground, or proposed ground slope if associated with a highway improvement project.

4. Manholes

Manholes shall not be located in the travelled way or the highway shoulder. Exceptions may be made on highways where manholes are essential parts of existing lines. New manhole installations shall be avoided at highway intersections.

H. VERTICAL LOCATION

1. Underground

The depth of bury for underground facilities within the right-of-way shall be a minimum of twenty-four (24) inches as measured from the finished ground surface to the top of the facility except under ditch bottoms where it shall be a minimum of thirty (30) inches at the time of installation.

The depth of bury for underground facilities crossing the highway shall be a minimum of thirty (30) inches as measured from a straight line connecting the lowest points of the finished ground or pavement surface on each side of the right-of-way to the top of the facility at the time of installation.

When a permit is requested by a utility and a future highway improvement project is anticipated, the utility may be required to bury deeper in accordance with the MCHD's plans.

Where minimum bury is not feasible, the facility shall be rerouted or protected with a casing, concrete slab or other suitable measures as may be approved by the MCHD. In solid rock, the depth of bury may be reduced if adequate protection is provided. The utility shall obtain prior approval from the MCHD before burying any facility less than the minimum depth required.

2. Overhead

Vertical clearances for overhead utility facilities installed after January 1, 2000 shall comply with all applicable state and national electrical codes. In all cases, facilities crossing over the highway shall at no time be less than seventeen (17) feet above the high point of the traveled way. Facility installations existing prior to January 1, 2000 are grandfathered under the applicable state and national electric codes in effect at the original date of installation. Unless otherwise agreed to by the utility and the MCHD, facility clearances affected by the normal and emergency work activities as defined in the maintenance section of this policy, which do not require a new permit, are also grandfathered.

I. INSTALLATION ON STRUCTURES

1. General Definitions

Attachments to highway structures should be avoided. However, attaching utility lines to highway structures (bridges) may be permitted when they do not materially affect:

a. Structure design, function and appearance, or
b. Public safety, traffic safety or personnel safety, or
c. Operations or maintenance activity.

The utility shall be responsible for all MCHD costs associated with such attachments. This may include, but is not limited to, additional design time, increased bridge structural capacity (deck thickness, for example) and future bridge maintenance (painting and inspection).

2. Installation Location Requirements

When a utility facility is attached to a structure, the installation shall be located:

a. Beneath the structure floor.
b. Inside the outer girders or beams or within a cell.
c. Above lowest superstructure elevation, to limit conflict with bridge inspection or repair.

J. INSTALLATION OPENINGS

The openings created in a bridge abutment to allow passage of the permitted facility shall be of the minimum size necessary.

1. The opening in the abutment around the permitted facility shall be completely filled to seal the opening and shall effectively preclude leakage of any moisture or backfill material through the abutment.
2. If the utility sleeves the facility through the abutment, the sleeve shall be tight-sealed into the abutment. Any space between the sleeve and facility it encloses shall be sealed.

K. INSTALLATIONS IN MEDIANS

Utilities shall not be placed in the median of any MCHD highway.

L. BREAKAWAY CONSTRUCTION

Breakaway or yielding facilities along the highway should be set as far back as possible to prevent a pole or other device from falling onto the traveled way when struck by an errant vehicle.

Foundations beneath breakaway poles shall be flush with the ground.

CHAPTER XI STATE AND FEDERAL HIGHWAYS

Refer to the Wisconsin Department of Transportation policy manual.

CHAPTER XII CONSTRUCTION REQUIREMENTS

A. PERMIT AT JOB SITE

When the MCHD issues a permit to a utility for its proposed work, a complete copy of the permit shall be in the possession of the utility's work force, consultant, contractor or subcontractor at all times when work is being performed within the right-of-way.

B. USE OF HIGHWAY MEDIAN

Utilities shall not be placed in the median of any MCHD highway.

C. USE OF TEMPORARY GUARD POLES

No guard pole shall be set within the right-of-way unless specifically authorized by a permit.

By definition, a guard pole is used to prevent aerial lines from falling onto the traveled way.

Any guard poles permitted in the clear zone shall comply with Chapter X (H)(2).

D. UNEXPECTED FIELD CONDITIONS

Any modification of the terms or provisions of an approved permit, as necessary to address changes in field conditions or other matters, shall require prior approval from the MCHD.

E. BLASTING

Blasting within the highway right-of-way is prohibited unless specifically authorized by a permit.

F. SURVEY MARKERS

No MCHD survey marker, including right-of-way markers, benchmarks and construction staking, shall be disturbed unless prior approval has been obtained from the MCHD. In addition, other survey markers, including United States Geological Survey (USGS), State of Wisconsin, Monroe County and other Public Land Survey, located in MCHD right-of-way shall not be disturbed unless prior approval is obtained from the respective owner(s).

Any Public Land Survey (PLS), Certified Survey Map (CSM) or MCHD survey marker that is disturbed, removed or destroyed shall be restored by the utility at its expense under the supervision of a registered land surveyor or county surveyor. (Reference: §59.74, §236.32, Wisconsin Statutes.)

G. VEGETATION

No tree or shrub shall be sprayed, cut, trimmed or damaged to facilitate the installation of a utility facility unless specifically authorized by a permit. Vegetation which is proposed to be damaged or destroyed may have to be replaced, at the discretion of the MCHD. When the removal of a tree is permitted, the stump shall be removed and the hole properly backfilled or cut flush with the ground upon approval from the MCHD. At no time shall trees or shrubs be cut on MCHD right-of-way in front of a property owners' home or maintained yard without approval of the MCHD. The utility shall discuss the removal, in advance, with the property owner.

Utilities should be aware of rare or endangered plant species, or animal and insect species that feed off of native vegetation, in the right-of-way that must be protected or avoided by law. For example, wild lupine is the host plant of the federally endangered Karner Blue Butterfly. Utilities may receive assistance in identifying these areas by contacting the local WDNR Service Center.

Chipping or grinding of trees and other non-invasive species may be allowed by the MCHD on a permit-by-permit basis. Chipping or grinding shall include broadcasting the resulting mulch evenly over the right-of-way such as not to leave mounds or humps or interfere with drainage.

Utilities shall be responsible for identifying populations of invasive or other undesirable plant species and for taking such action as necessary to prevent their proliferation or distribution.

H. COMPLETION NOTICE

Upon completion of permitted work and restorations, written notice shall be filed with the MCHD within ten (10) calendar days of completion. A completion notice form is provided as "ATTACHMENT C". Upon receipt of notice, the MCHD will inspect the installation to ensure full compliance with the permit provisions, and may request an on-site review with the utility.

I. HIGHWAY SIGNS

A utility shall not remove or relocate any highway sign unless specifically approved in its permit.

J. TRAFFIC CONTROL

1. Authority

All traffic control for utility work performed on MCHD highways shall conform with:

a. The most recent edition of the ***Wisconsin Manual on Uniform Traffic Control Devices (WMUTCD)*** and any addenda and supplements thereto.

b. Section 643 of the most recent edition of the WISDOT ***Standard Specifications for Highway and Structure Construction***.

c. The most recent edition of the WISDOT ***Work Zone Safety Guidelines for Construction, Maintenance and Utility Operations***.

d. The Wisconsin Transportation Center (WTC) ***Flagger's Handbook***.

e. The specific provisions within this section.

The standards established in the WMUTCD and any addenda and supplements thereto are minimum guidelines. Additional traffic control shall be used when necessary.

2. General Policy

All utility work shall be planned and prosecuted with full regard for public and personal safety and to keep conflicts with highway traffic to a minimum. On heavily traveled highways, utility work conflicting with traffic may not be allowed during periods of peak traffic flow. Any such work allowed shall be planned so that closure of intersecting highways, roads, streets and other access points is minimized. No utility work shall begin until all required warning signs, traffic control devices, personnel (flaggers) and methods adequate to protect the public are in place and fully functional. These shall be maintained until all work is completed and all personnel, equipment and materials have been removed from the right-of-way or protected.

All traffic control personnel (flaggers) shall be trained and experienced in flagging operations. All flagging operations shall be consistent with the provisions of the WTC ***Flagger's Handbook.***

All operations shall be performed without closing or obstructing all or part of any highway traffic lane unless approved in advance by the MCHD and proper traffic control is specified.

All utility-owned vehicles and equipment within the work zone shall be equipped with high intensity (strobe or revolving) hazard warning lights. Additional traffic control such as guard (shadow) vehicles and impact attenuators may also be utilized.

All warning signs shall have reflectorized sheeting which, beginning January 1, 2003, shall comply with Section 643.2.12.2 of the most recent edition of the WISDOT ***Standard Specifications for Highway and Structure Construction***. Warning signs shall be removed, covered, turned or laid flat when workers or workers' vehicles are not present or when the signs' messages are not relevant. All barricades and barrels shall be reflectorized with Type H reflective sheeting as a minimum. Cones used during nighttime operations shall be at least 28" in height and reflectorized.

All materials and equipment remaining in the highway right-of-way during the night shall be protected by barricades equipped with flashing amber lights.

3. Traffic Control Selection

When selecting appropriate traffic control, consideration shall be given to such factors as:

a. Physical characteristics of the highway.
b. Available sight distance.
c. Traffic volume.
d. Time of day.
e. Posted speed limit.
f. Weather.
g. Light conditions.
h. Lane closures / flagging.

4. Stationary Work Zones

All stationary daytime utility work should utilize one of the typical work zone traffic control applications found in the WISDOT ***Work Zone Safety Guidelines for Construction, Maintenance and Utility Operations***. Those typical applications may require modification based upon actual site conditions. Any modification shall be based upon the engineering judgment of the utility's on-site traffic control supervisor or specialist.

The MCHD may require a more extensive traffic control plan for:

a. Utility work performed during nighttime hours.

b. Traffic control installations that remain in place overnight to protect the work zone(s) during non-work times. Any obstruction in the travelled way or clear zone of a highway that remains in place after hours shall be protected by traffic control.

c. Utility work performed in a continuously moving (mobile) work zone. (This does not include moving from one stationary work zone to another.)

d. A stationary work zone that remains in place for less than one hour.

e. Activity which cannot be adequately protected by using one of the typical applications.

K. WORK SITE SAFETY

1. General

The utility shall ensure that the work site is secure against any hazard to the public at all times until all of the work is completed. All vehicles, equipment, materials and personnel within the right-of-way shall be staged in a place and manner to ensure consistently safe conditions.

Sheeting, shoring, bulkheads or other protective devices may be ordered by the MCHD if considered necessary to protect the highway and the traveling public.

2. Equipment/Material Storage

Materials or equipment located at the work site but not in immediate (same day) use should be stored in a safe location off of the right-of-way. If this is not practical, the equipment or material may be stored beyond the clear zone and as close to the fence or right-of-way line as possible.

5. Vehicle/Equipment Visibility

Vehicles and equipment shall have their high intensity flashing (strobe or revolving) and hazard warning lights operating when they are within the clear zone during work operations.

6. Personal Protective Equipment

All utility and contractor personnel within the right-of-way shall wear retro-reflective safety vests at all times. Additional protective equipment may be necessary during night-time activity.

L. SPECIAL PROVISIONS

1. Open Trench Construction

Any utility constructing a facility through an open-trench method shall:

a. Locate the facility as close as possible to the right-of-way line, and
b. Locate the facility parallel to the right-of-way line, to the greatest degree possible, and
c. Place the facility in as straight alignment as possible, and
d. Place the facility at as uniform depth as possible (see Section X), and
e. Backfill and compact the trench as necessary to prevent settling and deformation, and
f. Ensure that the highway drainage system is not compromised, and
g. Provide for the complete restoration of the right-of-way.

The installation shall conform to the WISDOT ***Standard Specifications for Highway and Structure Construction*** for earthwork, culverts or other utility work within the right-of-way.

2. Underground Construction

Un-trenched construction shall be required for all underground utility crossings of all highways that have a paved surface and are open to traffic unless specifically authorized in the permit.

Un-trenched installation of utility facilities may be accomplished by tunneling, driving, coring and/or dry boring. Wet boring under the highway shall be prohibited unless specifically authorized in the permit.

Boring shall result in as close a fit as possible to the facility being installed. Un-trenched construction shall, as a minimum, extend beneath the entire roadway prism (from toe of in-slope to toe of in-slope or from back of curb to back of curb). Ground openings or pits for such work should be located outside of the clear zone and shall not interfere with highway drainage.

When specifically authorized by the MCHD, the extent of the un-trenched crossing may be reduced or eliminated where such construction methods are impractical or physically restricted by the terrain or other physically limiting conditions.

3. Non-Metallic Lines

Any non-metallic pipe, cable or other kind of utility line which lacks a continuous and integral metallic component capable of detection by locating instruments shall be accompanied in its location by a continuous detectable metallic tracer wire or metallic tape.

4. Casing

Where crossings by underground lines are encased in protective conduit or duct, the encasement shall extend at least two feet beyond the toe of slope or three feet beyond the ditch line. On curbed sections it shall extend at least to the outside the back of curb.

M. CLEANUP AND RESTORATION

1. Work Site Cleanup

All debris, refuse and waste resulting from the utility's activities shall be removed from the site unless otherwise provided in the permit. Burning of cuttings, brush or other debris shall not be permitted within the limits of the right-of-way. Also see Chapter XII (G).

All abandoned utility poles shall be completely removed from the highway. No abandoned pole shall be allowed to remain, in whole or in part, and it shall not be sawed off. The hole resulting from pole removal shall be properly backfilled and compacted. All anchor rods shall be removed or cut off a minimum of one (1) foot below ground level.

2. Right-of-Way Restoration

The utility shall be responsible for restoring the highway and the adjacent right-of-way to its original condition, or as close as possible, **within two (2) weeks** after completion of the facility installation. Exceptions may be allowed for good cause with prior approval from the MCHD. Failure of the utility to make prompt and satisfactory restorations of the highway or adjacent right-of-way may cause the MCHD to cause the restoration by others at the utility's expense.

Any curb, gutter, pavement, sidewalk, driveway, gravel base, ballast, shouldering material or other highway element disturbed by the utility shall be restored to the qualities, grades, compactions and conditions in accordance with the WISDOT ***Standard Specifications for Highway and Structure Construction***. Any subsequent heaving, settling or other concerns attributable to the permitted work shall be repaired in a manner satisfactory to the MCHD, at the utility's expense.

Any vegetated area of the highway disturbed by the utility shall be restored with topsoil to the depth that existed prior to construction and re-seeded to perennial grass or sodded to the satisfaction of the MCHD. Trees or vegetation which are damaged or destroyed shall be replaced in-kind unless specified in the utility's permit. Once replaced, the utility shall also maintain turfed areas, trees and other vegetation until it achieves sustained growth.

If, in the opinion of the MCHD, the permitted work or facilities are found to obstruct highway drainage, unduly increase the difficulty of highway maintenance, or in any other manner adversely affect a highway interest, the utility shall, upon notice, cure the fault as directed and restore the highway facility to the satisfaction of the MCHD.

N. EROSION CONTROL & STORMWATER MANAGEMENT

1. Authority

A utility shall assure that proper erosion control and storm water management measures are implemented at all times during work operations. The utility shall also be responsible for providing erosion control and storm water management measures to protect all restored areas upon completion of the project until the replacement vegetation achieves sustained growth.

2. Implementation

The MCHD has divided utility operations into two categories, minor and major, for the purpose of determining erosion control and storm water management plan requirements. When submitting its permit application form, a utility shall check the appropriate box for the category in which it feels the proposed operation belongs, subject to approval by the MCHD.

Should a change become necessary, the utility may have options to consider. If the change is from the minor to major category, the utility may elect to submit an erosion control plan. It could also amend or revise and resubmit its permit application form provided a change in work methods could place the utility operation into the minor category. If the change is from major to minor, the utility may still use its proposed erosion control plan.

O. MAJOR PROJECTS

1. Definition

Major projects are defined as excavations which will not be restored in the same day or immediately the next day. Examples of utility projects that may fall under the major category include, but are not limited to, the following:

a. Grading on right-of-way.
b. Large, open pavement/shoulder cuts.
c. Large boring operations and boring pits.
d. Open trenching operations.
e. Any project adjacent to a jurisdictional waterway which is not classified as "routine" under the WDNR Waterway Crossings Agreement.

2. Specific Guidelines

A utility shall submit an erosion control plan along with its permit application form. The plan may be either in written or pictorial format, or both. A utility may use Chapter 10 of the WISDOT ***Facilities Development Manual (FDM)*** as a guide in the proper selection, installation and maintenance of erosion control and stormwater management measures. Standard Detail Drawings for some erosion control devices may also be found in Chapter 16 of the ***FDM***. On-site discussion between the utility and the MCHD may be of benefit in reviewing the proposed erosion control and stormwater management plans.

All required erosion control and storm water management measures shall be installed prior to beginning work on the project. The utility shall notify the MCHD at least twenty-four (24) hours before the installation of the control measures. The utility should check the box on the permit application form indicating that it is aware of the notification requirement.

All temporary erosion control and stormwater management measures shall remain in place and functional until the installation of the permanent erosion control and stormwater management measures is completed or the temporary measures are no longer required, then shall be removed. The MCHD will not approve a project as completed until the right-of-way has been restored **and** all temporary erosion control measures have been removed.

The utility should inspect the installed measures on a regular basis to ensure they remain functional, and should maintain a written record of those inspections.

P. MINOR PROJECTS

1. Definition

Certain utility projects may result in only minor disturbance, or none at all. These "minor" projects may not require a formal erosion control plan; however, a utility shall follow the guidelines listed in the next section. **Minor projects are defined as excavations which will be restored in the same day or immediately the next day.** Examples of projects that may fall under the minor category include, but are not limited to, the following:

a. Overhead crossings.
b. Pole installations
c. Plowing operations.
d. Any project adjacent to a jurisdictional waterway which is classified as "routine" under the WDNR Waterway Crossings Agreement. The DNR defines "routine" water crossings as commonly plowed-in or directional bored crossings.
e. Hand digging.
f. Small boring operations (moles)
g. Small open pavement or shoulder cuts

2. Guidelines for Erosion Control

The utility shall respond to any soil disturbance by promptly replacing the soil and topsoil and/or temporary seeding and mulching the soil. This includes repairing equipment and vehicle tracks which also may disturb soil.

Erosion control devices such as hay or straw bales and silt fence shall be present at the job site or be immediately accessible in the event adverse weather conditions require a utility to take immediate action to project bare or loose soil. Soil piles left overnight shall be covered or otherwise protected to prevent possible runoff.

CHAPTER XIII SPECIFIC REQUIREMENTS

This chapter covers specific requirements relevant to various types of utility facilities.

A. COMMUNICATIONS

1. Standards

The minimum standards for the design, construction, operation and maintenance of communication-type utility facilities shall be those established in the Wisconsin Administrative Code for each of the various utilities and phases of utility activities covered therein. When the codes, ordinances or laws of governmental agencies having jurisdiction are more restrictive, the more restrictive shall apply. When neither the Wisconsin Administrative Codes nor the local governmental regulations apply, the communication facility shall at least conform to the currently applicable National Electrical Safety Code.

2. Type of Construction

For aboveground (overhead) installations, the following should be considered:

a. Single Pole

Any longitudinal installations of overhead lines within the right-of-way should utilize single pole construction.

b. Joint Use

Joint use pole construction should be used:

i. At locations where more than one utility or type of facility is involved.

ii. When the right-of-way widths approach the minimum needed for safe operations or maintenance requirements.

iii. When separate installations require extensive removal or alterations of trees.

3. Guy Wire Locations

Guy wires to ground anchors and other supporting or bracing devices shall not be placed between a utility pole and traveled way where they would encroach upon the clear zone, unless specifically authorized by the MCHD and utilizing breakaway technology.

4. Maintenance Activities

Certain maintenance and other types of utility activities are considered minor in nature and may be performed without an additional permit provided that such maintenance shall be performed in accordance with this policy. However, should any of these selected maintenance activities significantly impact travel or traffic safety on any highway (closure of a travel lane or diversion of traffic, for example), a permit shall first be obtained from the MCHD.

No additional permit is required for:

a. Repair or replacement of overhead service wire.

b. Repair or replacement of overhead cable and terminal hardware two spans or less.

c. Replacement of pole, same location, maximum of ten poles per five-mile section.

i. Once a new pole is installed, all attached facilities (electric, telephone or CATV, for example) shall be transferred to the new pole in a timely manner. The old pole shall then be completely removed in accordance with Chapter XII (M) (1).

d. Locate buried facilities.

e. Stake route for proposed buried cable.

f. Connect and test wiring at buried cable pedestal locations.

g. Cross-arm, bracket and hardware repair or replacement.

h. Add anchor, guy or brace between pole and right-of-way line no closer to traveled way than pole.

i. Trench a pole to maintain or increase roadside clearance.

j. Repair or replace overhead conductor two spans or less.

k. Line patrolling.

l. Inspection of manholes (includes water removal, cable tagging and minor modifications).

m. Electrolysis surveys.

n. Test for location of underground lines.
o. Paint poles, towers or cross-arms.
p. Straighten pole, cross-arm or brace.
q. Test or treat existing pole.
r. Remove debris from overhead line.
s. Repair or add grounds.
t. Re-sag, reattach or rearrange conductor.
u. Repair cable bonding.
v. Survey lines.
w. Replace pole tags and signs.
x. Reinforce existing pole.
y. Mark location of proposed pole or proposed cable.
z. Grass cutting or snow plowing.
aa. Trim trees or remove brush for existing line.
bb. Minor repair of lines (installation of buried splices, for example)
cc. Sign and marker installation/replacement.
dd. Replace/remove line in existing duct.
ee. Surveying and resetting re-closures.

Abandonment of underground facilities shall be done in accordance with this policy.

B. ELECTRIC

1. Standards

The minimum standards for the design, construction, operation and maintenance of electric-type utility facilities shall be those established in the Wisconsin Administrative Code for each of the various utilities and phases of utility activities covered therein. When the codes, ordinances or laws of governmental agencies having jurisdiction are more restrictive, the more restrictive shall apply. When neither the Wisconsin Administrative Codes nor the local governmental regulations apply, the electrical power facility shall at least conform to the currently applicable National Electrical Safety Code.

2. Additional Permit Information

For transmission-type installations, the permit application shall specify the proposed operating voltage or voltages.

3. Type of Construction

For aboveground (overhead) installations, the following should be considered:

a. Single Pole

Joint use single pole construction should be used:

i. At locations where more than one utility or type of facility is involved.

ii. When the right-of-way widths approach the minimum needed for safe operations or maintenance requirements.

iii. When separate installations require extensive removal or alteration of trees.

4. Guy Wire Locations

Guy wires to ground anchors and other supporting or bracing devices shall not be placed between a utility pole and traveled way where they would encroach upon the clear zone, unless specifically authorized by the MCHD and utilizing breakaway technology.

5. Maintenance Activities

Certain maintenance and other type of utility activities are considered minor in nature and may be performed without an additional permit provided that such maintenance shall be performed in accordance with this policy. However, should any of these selected maintenance activities significantly impact travel or traffic safety on any highway (closure of a travel lane or diversion of traffic, for example), a permit shall first be obtained from the MCHD.

No additional permit is required for:

a. Switching operations.

b. Fuse replacement.

c. Transformer replacement.

d. Cross-arm, bracket, and hardware repair or replacement.

e. Add anchor, guy or brace between pole and right-of-way line no closer to traveled way than pole.

f. Trench a pole to maintain or increase roadside clearance.

g. Replace pole, same location, maximum of 10 poles per 5-mile section.

i. Once a new pole is installed, all attached facilities (electric, telephone or CATV, for example) shall be transferred to the new pole in a timely manner. The old pole shall then be completely removed in accordance with Chapter XII (M) (1).

h. Repair or replacement of overhead conductor two spans or less.

i. Line patrolling.

j. Manhole inspection (includes water removal, cable tagging and minor modifications).

k. Electrolysis surveys.

l. Test for location of underground lines.

m. Paint poles, towers or cross-arms.

n. Straighten pole, cross-arm or brace.

o. Test or treat existing pole.

p. Clean insulators.

q. Remove debris from overhead line.
r. Repair or add grounds.
s. Re-sag, reattach or rearrange conductor.
t. Sample or test insulating oil.
u. Repair cable bonding.
v. Install or remove transformer or regulator.
w. Survey lines.
x. Replace outdoor lighting bulbs and cleaning glass.
y. Repair or replace outdoor lighting control.
z. Reset time clock or control switch.
aa. Replace pole tags or signs.
bb. Reinforce existing pole.
cc. Mark location of proposed pole or proposed cable.
dd. Grass cutting or snow plowing
ee. Trim trees or remove brush for existing line.
ff. Sign and marker installation/replacement.
gg. Minor repair of lines (splice, for example).
hh. Replace or remove line in existing duct.
ii. Repair or replace overhead service.
jj. Locate buried facilities.
kk. Surveying and resetting re-closures.

Abandonment of underground facility shall be performed in accordance with this policy.

C. FLUIDS AND GASSES

1. Standards

The minimum standards for the design, construction, operation and maintenance of fluid- and gas-type utility facilities shall be those established in the Wisconsin Administrative Code for each of the various utilities and phases of utility activities covered therein. When the codes, ordinances or laws of governmental agencies having jurisdiction are more restrictive, the more restrictive shall apply.

In addition to the Wisconsin Administrative Codes and local governmental regulations, the utility installations shall at least meet the following requirements:

a. Water lines shall conform to the currently applicable specifications of the American Water Works Association and the Standard Specifications for Water and Sewer Construction in Wisconsin.

b. Pressure pipelines shall conform to the currently applicable requirements of Title 49, Code of Federal Regulations of the Office of Pipeline Safety.

c. Liquid petroleum pipelines shall conform to the currently applicable recommended practice of the American Petroleum Institute for pipeline crossings under railroads and highways.

d. Sanitary and storm sewers shall conform to the currently applicable specifications of the Standard Specifications for Water and Sewer Construction.

2. Irrigation and Drainage Pipes, Ditches, and Canals

Irrigation and drainage facilities installed across the right-of-way generally shall be designed and constructed in accordance with the WISDOT ***FDM*** Chapter 16, Standard Detail Drawings. Appurtenances which would constitute a hazard to traffic shall not be permitted within the clear zone and should be located outside of the right-of-way. Where ditch rider roads are adjacent to ditches or canals that cross the highway, consideration shall be given to safety, traffic, operations and economic concerns when providing for the continuity of such roads.

3. Requirements for Appurtenances

Vent standpipes are not required for casings but when used the vent shall be located and constructed so as not to interfere with maintenance of the highway nor be concealed by vegetation. These pipes shall be located as close to the right-of-way line as possible.

If drains are provided for casings, tunnels or galleries enclosing carriers of liquids, liquefied gases or heavy gases, they shall not discharge into highway ditches or natural water courses.

4. Special Treatment of Pipelines

a. General Policy

Special treatment of pipelines beneath highways should not be required provided the pipe would be installed by jacking and/or dry boring the carrier pipe to an essentially snug fit.

b. Special Treatment

The MCHD shall require special treatment such as casing, cathodic protection, thickened wall carrier pipe, coating and wrapping, concrete sleeves or caps of particular pipe crossings if, in the determination of the MCHD, such installation shall be more protective of the highway or of the safety and convenience of the public. Some examples of locations where special treatment may be required include, but are not limited to, the following:

i. Locations where a pipeline (whether crossing or a portion of pipe parallel to the highway) would pass in close proximity to a sub-structural part of a highway structure. This refers to pipes underground and not to pipes suspended on a highway structure, the latter of which should not require special treatment.

ii. Locations where a pipeline would pass beneath the slope wall below a highway structure.

iii. Locations where physical conditions may limit a pipe from being reasonably placed or remaining at the depth required by code.

iv. Locations where the ground conditions are known to be particularly unstable.

v. Locations where physical conditions may limit a water pipe from being reasonably placed or remaining below the frost line.

6. Attachments to Structures

Pipelines that will be attached to a highway structure shall not exceed a maximum internal pressure of 150 PSIG. Pipelines carrying pressures in excess of 150 PSIG shall be considered only if no other alternative location removed from the structure is feasible.

7. Maintenance Activities

Certain maintenance and other type of utility activities are considered minor in nature and may be performed without an additional permit provided that such maintenance shall be performed in accordance with this policy. However, should any of these selected maintenance activities significantly impact travel or traffic safety on any highway (closure of a travel lane or diversion of traffic, for example), a permit shall first be obtained from the MCHD.

No additional permit required for:

a. Leak surveys (vehicle or walk patrol), line patrolling.

b. Pressure surveys (gauge check or setting of charts).

c. Odorant checks.

d. Regulator maintenance (change out, lockup check, spring change).

e. Valve maintenance (activation check, grease, replacement).

f. Line purging.

g. Exposed line survey and maintenance (on bridges, exposed valve assembly).

h. Line locates and facility marking.

i. Up rating pressure of main (monitoring).
j. Abandonment of underground facilities in place shall comply with Chapter XII (M) (1).
k. Pit (vault) maintenance (water removal, painting, minor modifications).
l. Minor cutouts and repair of lines (installation of clamps, welds).
m. Cathodic protection checks and related repair.
n. Sign and marker installation or replacement.
o. Relief vent line inspections.
p. Maintenance and repair of telemetering equipment.
q. Land surveying.
r. Painting aboveground facilities.
s. Grass cutting or snow plowing.
t. Trim trees or remove brush for existing line.

D. PRIVATE UTILITY FACILITIES

1. General

All private utility facilities shall follow the requirements of this policy and shall be designed, constructed, operated and maintained as described in the specific policies for communications, electric or fluid or gas lines, whichever more closely resembles the facility.

2. Occupation Fees

Private utility installations may be assessed an additional fee by the MCHD for right-of-way occupation. The fee for each installation shall be determined on a case-by-case basis and may be based upon, but not limited to, the following:

a. The value of the facility.
b. Complexity of the installation.
c. MCHD review time.
d. Comparison with the value of private easements adjacent to the proposed location.
e. Comparison with fee schedules for other similar utility installations in Wisconsin.

3. Additional Requirements

Based upon the proposed private utility installation's potential for damage to the highway, adjacent right-of-way, or the environment, the MCHD may require the following to be submitted with a permit application:

a. Evidence of commercial general liability, workers compensation and employer's liability and commercial motor vehicle liability insurance.
b. A certificate of insurance which names the MCHD as an additional insured.
c. WDNR concurrence that the project will have no significant impact upon the environment.