

CHAPTER V

**REGULATIONS FOR CONSTRUCTION WITHIN
THE PUBLIC WAY OF EAGLE COUNTY**

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PART III

RESOLUTION NO. 96-122
IN THE MATTER OF AMENDING THE EAGLE COUNTY
LAND USE REGULATION, 1982, AS AMENDED
CONCERNING THE APPENDIX TO THE
EAGLE COUNTY LAND USE REGULATIONS
AND
CHAPTER V - REGULATIONS FOR CONSTRUCTION
WITHIN THE PUBLIC WAY OF EAGLE COUNTY

CHAPTER V

REGULATIONS FOR CONSTRUCTION WITHIN THE PUBLIC WAY OF EAGLE COUNTY

PART I - GENERAL PROVISIONS

5.01 REPEAL OF PRIOR RESOLUTION, REGULATIONS, AND/OR AMENDMENTS

Upon the effective date of these Regulations, the Eagle County Road Cut Permit and Road Construction Permit Resolution of August 13, 1979, and any amendments thereto are hereby repealed. The repeal of the aforementioned Resolution and any amendments thereto shall not revive any other resolution or portion repealed by said Resolution or amendments thereto; and such repeal shall not affect nor prevent the prosecution or punishment of any person for the violation of any resolution or amendment repealed hereby for an offense committed prior to the repeal.

5.02 CONSTRUCTION OF REGULATION

5.02.01 The following statements are rules regarding the construction of language in these Regulations:

- A. The particular has precedence over the general statements.
- B. In case of any difference of meaning or implication between the text of these Regulations and captions for each section, the text shall control.
- C. The word "shall" is always mandatory and not directory. The word "may" is permissive.
- D. Words used in present tense include the future, unless the context clearly indicates the contrary.
- E. Words used in the singular shall include the plural, unless the context clearly indicates the contrary. Words in one gender shall be deemed to include the other gender.

5.02.02 These Regulations shall be regarded as remedial and shall be liberally construed so as to effect the intention hereof to protect and preserve the public ways of the County for all uses thereof, and for the protection of the people of the County and of all persons using or relying upon the public ways of the County.

5.03 AUTHORITY

5.03.01 Authority for the administration and enforcement of these Regulations is derived from Sections 30-11-101, 30-11-107, 29-20-101, et. seq., 30-28-101, et. seq., 38-5-101, et. seq., 42-4-101 through 42-4-514, 42-4-1207, 43-2-111, 43-2-147, 43-5-301, 43-5-307, and 32-1-1006, respectively, C.R.S. Should further authorizing legislation exist or be enacted, these Regulations are additionally deemed to be enacted pursuant thereto, except to the extent it may be inconsistent therewith.

5.04 DEFINITIONS

5.04.01 Applicant

Applicant shall mean and include any person, as herein defined below, who makes application for a permit to construct within the public way of Eagle County. The applicant shall be the party who proposes to coordinate and/or perform the construction, and be responsible for correction period obligations.

5.04.02 Board

Board shall mean the Board of County Commissioners of the County of Eagle, State of Colorado.

5.04.03 Construction Season

April 15 through November 15 of each calendar year, except as extended by the Engineer or as specifically provided to the contrary in these Regulations. The County Engineer is authorized to shorten the construction season due to adverse weather conditions.

5.04.04 Construction Within the Public Way

Construction Within the Public Way shall mean to construct, reconstruct, build, rebuild, make, remake, or alter any opening, excavation, tunnel, utility, pipeline, cable, sidewalk, curb, gutter, driveway, or street, or to perform other work of any kind within the public way which will result in the physical alteration thereof.

5.04.05 County

County shall mean the County of Eagle, State of Colorado.

5.04.06 Engineer

Engineer shall mean the Eagle County Engineer, or his authorized representative.

5.04.07 Emergency

Emergency shall mean any unforeseen circumstance or occurrence, requiring immediate or prompt action to alleviate danger to persons or property, i.e., to maintain the integrity of existing utility services.

5.04.08 Engineering and Construction Standards, Specifications and Details

Engineering and Construction Standards, Specifications and Details shall mean such Engineering and Construction Standards, Specifications and Details as set forth in Section 5.36, et. seq., of these Regulations.

5.04.09 Improved Roadway

Improved roadway shall mean all roadways within the County above the quality of untreated gravel. For the purposes of this definition, an untreated gravel roadway is that roadway which has not received hard surfacing, chemical stabilizers, or geotechnical fabric.

5.04.10 Longitudinal Installations

Longitudinal installations shall mean those installations which are more or less parallel to the public way centerline, and running with the public way.

5.04.11 MUTCD

MUTCD shall mean Part VI of the latest version of the "Manual on Uniform Traffic Control Devices for Streets and Highways", with official revisions, published by the Federal Highway Administration, and the latest version of the Colorado Supplement to said Manual as prepared by the State Department of Transportation.

5.04.12 One Location

One location shall mean one contiguous longitudinal excavation or construction project associated with one owner. In the case of transverse installations, the installations or construction associated with one lot, one

property, or one contiguous group of lots or properties under one ownership is considered to be one location.

5.04.13 Permit

Permit shall mean a permit to construct within the public way of Eagle County.

5.04.14 Permittee

Permittee shall mean and include any person who is issued a permit to construct within the public way of Eagle County. The permittee shall jointly be the applicant, the owner of the proposed facility, and the eventual operator/maintainer of the proposed facility in the event another party will operate and maintain the facility upon completion. The applicant shall assume those obligations associated with the construction, including the collateral, insurance and correction period obligations. The owner or, upon transfer, operator/maintainer of the proposed facility shall assume those obligations associated with the ownership, operation and maintenance of the facility. All parties may be required to sign the permit, as determined by the Engineer.

5.04.15 Person

Person shall mean any person, partnership, firm, association, public utility company, corporation, company, special district, or organization of any kind.

5.04.16 Public Utility Company

Public Utility Company shall have the same definition as Section 40-1-103, C.R.S.

5.04.17 Public Way

Public Way shall mean and include all public easements, rights-of-way, and roads under the control and jurisdiction of the County of Eagle, State of Colorado. A public way within the scope and intent of these Regulations shall include, by way of example only, easements, rights-of-way, and roads over private lands dedicated to public uses by deed, subdivision plat, or other legal document to that effect, filed with the Eagle County Clerk and Recorder, when such dedication has been accepted by the Board; easements, rights-of-way, and roads over private or other lands dedicated to public uses by due process of law and not heretofore vacated by an order of the Board duly entered of record in the proceedings of the Board; easements, rights-of-way,

and roads over private lands that have been used adversely without interruption or objection on the part of the owners of such lands for twenty consecutive years, and of which the Board has overtly exerted some degree of ownership control thereon; and easements, rights-of-way, and roads over the public domain, whether agricultural or mineral, of which the Board by and through its overt actions has assumed the responsibility and obligation for maintenance and control thereof. *(am 3/12/02)*

5.04.18 Regulations

Regulations shall mean the Regulations for Construction Within the Public Way of Eagle County as set forth in Chapter 5 of the Eagle County Land Use Regulations.

5.04.19 Special Conditions

Special Conditions are conditions placed on the permit by the Engineer to tailor the permit to the special circumstances of the proposed construction. Special Conditions may waive, change, or add to the Regulations.

5.04.20 Special Districts

Special Districts shall mean any service authority, school district, local improvement district, water, sanitation, fire protection, metropolitan, irrigation or drainage district, or any other kind of municipal, quasi-municipal, or public corporation organized pursuant to law, including by way of example only, the Special District Act, Section 32-1-101, et. seq., C.R.S.

5.04.21 Transverse Installations

Transverse installations shall mean those installations which cross the public way more or less perpendicularly.

5.04.22 Unimproved Roadway

Unimproved roadway shall mean all roadways within the County at or below the quality of untreated gravel.

Note:

When an unimproved roadway is scheduled to be improved within two (2) years of the time of application, it may be subject to the engineering and construction standards, specifications and details of an improved roadway, as set forth in Part II of these Regulations.

5.04.23 Work Site Improvements

Work site improvements shall mean, but not be limited to, fences; road, parking, drainage, pedestrian, and utility appurtenances; recreational facilities; yard accessories and vegetative cover existing on or adjacent the work site prior to the start of construction.

5.04.24 Work Site Restoration

Work site restoration shall mean the restoring of all areas on or adjacent the work site disturbed during construction to at least the same or equal condition that existed before said construction commenced, and shall include, but not necessarily be limited to, special backfill material, backfilling, clean-up, repaving, overlaying, repairs, reseeding, and other work necessary to place the site in a condition acceptable to the Engineer.

5.05 UNLAWFUL TO CONSTRUCT IN OR ON ANY PUBLIC WAY WITHOUT PERMIT; COMPLIANCE; PERMIT REQUIREMENT EXEMPTIONS; ANNUAL PERMITS

5.05.01 It shall be unlawful for any person to construct in the public way unless such person shall first have obtained a permit for the performance of such construction, and unless such construction shall be performed in conformity with the terms and provisions of these Regulations, of the permit or permits issued hereunder, and of any special conditions issued incident thereto, except as hereinafter specifically provided.

5.05.02 Driveways to new buildings for which a Building Permit is obtained do not require a permit under these Regulations, provided that detailed driveway

plans have been submitted and specific approval given to the proposed driveway or driveways under the Building Permit approval process.

- 5.05.03 Construction of subdivision streets, appurtenances, and utilities within the public way may require a permit under these Regulations. Construction for which detailed construction plans and construction specifications have been submitted, reviewed, and approved as a part of the subdivision review process under Chapter 2 of the County's Land Use Regulations shall not require a permit, providing the construction occurs within seven (7) years of said approval. Construction for which detailed construction plans and construction specifications have not been submitted, reviewed, and approved as part of the subdivision review process under Chapter 2 of the County's Land Use Regulations shall require a permit. Utilities and appurtenances determined to not require a permit are nevertheless specifically subject to the Maintenance, Relocation, Listing of Facilities in Public Ways, and Emergency Work sections of these Regulations.
- 5.05.04 Construction within public drainage easements shall require a permit under these Regulations. However, landscape improvements which will not have a negative impact on drainage ways within the above mentioned easements are exempt from this requirement. In general, it is the intent of this Regulation to concentrate upon protecting the integrity of drainage ways through platted subdivisions.
- 5.05.05 Construction involving service installations and their maintenance may be able to be done under an Annual Permit issued to those persons operating and maintaining utilities within the public way. This Annual Permit would cover those service installations which would be located beyond the shoulder point, or where the ditch exists, beyond the ditch, would not require a depth of excavation exceeding forty-eight (48) inches, nor would involve a longitudinal run in the public way adjacent roadways exceeding fifty (50) lineal feet in each instance. The Annual Permit would cover all installations in lot line drainage easements. Additionally, repairs to existing utilities and their appurtenances that have been damaged during construction by others, may be done under the Annual Permit when the repair is done at the time the damage occurred. The Annual Permit shall be valid for the term of one construction season only, and may be renewed annually.

All work done under the Annual Permit is subject to the provisions of these Regulations, except:

- A. The site plan, according to Section 5.06.02 of these Regulations is not required.

- B. Notification to the Engineer, according to Section 5.36.01 of these Regulations, is not required unless a portion of the work will extend into the public way beyond the limits mentioned above.

5.06 APPLICATIONS FOR PERMITS

5.06.01 Each and every person desiring to perform construction of any kind, in a public way within the County, except as provided elsewhere to the contrary in these Regulations, shall make application for a permit to construct within the public way. Such application shall be filed with the Engineer on forms to be furnished by Engineer.

5.06.02 A site plan of the proposed work site, drawn on the form provided, or by separate mapping, shall be included with and attached to each application. The site plan shall delineate the following types of information:

- A. The dimensions of the proposed installation (size of the facility being installed; width, depth, and length of excavation required). Indicate by dimension the relationship of the proposed installation to the edge of roadway, drainage way, right-of-way, and/or fence line.
- B. Show the necessary barricades, lights, control devices, signs, and warning devices (including flagmen when required), and their placement at the work site to indicate that construction zone traffic control will conform to the guidelines of the MUTCD.

5.06.03 When necessary, in the judgment of the Engineer, to fully determine the relationship of work proposed to existing or proposed facilities in the public ways, or to fully determine whether the work proposed complies with the Engineering and Construction Standards, Specifications and Details, the Engineer may require the filing of engineering plans, specifications, and sketches showing the proposed work in sufficient detail to allow determination of such relationship or compliance, or both. These plans or sketches shall be in addition to the site plan mentioned immediately above.

5.07 COORDINATION WITH EXISTING UTILITIES

5.07.01 In accordance with Section 9-1.5-101 et. seq., C.R.S., when the work to be undertaken by the applicant may affect existing utility installations and/or facilities, either above or below grade, in the vicinity of the proposed work, the applicant shall contact the operator/maintainer of such installations

and/or facilities, and request "locations" prior to commencement of any excavation.

5.08 PERMIT FEES

5.08.01 A permit fee shall be required prior to permit issuance for each permit to construct at one location within the public way, in accordance with the following schedule:

A. WITHIN THE ROADWAY PRISM OF AN IMPROVED ROADWAY

Transverse Installations, Longitudinal Installations of fifty (50) lineal feet or less, and all installations by plowing \$150.00 Base Fee

Each additional transverse installation at one location (applies to water and sewer only) Add \$50.00 to the base fee

Longitudinal installations in excess of fifty (50) lineal feet \$150.00 base fee

When the depth of excavation is four (4) feet or less Add \$0.06 per lineal foot of excavation in excess of fifty (50) feet

When the depth of excavation is in excess of four (4) feet Add \$0.09 per lineal foot of excavation in excess of fifty (50) feet

NOTE:

It is recognized that some longitudinal installations will include transverse installations as a part of the proposed construction. The permit fee in this case shall be calculated by adding the lineal feet involved in the total of the transverse installations to the lineal feet of the longitudinal installations, times the appropriate "per foot" charge, in lieu of the transverse installation base fee above.

B. OUTSIDE THE ROADWAY PRISM OF AN IMPROVED ROADWAY, ALL WORK WITHIN UNIMPROVED ROADWAYS, AND ALL WORK OUTSIDE OF ROADWAY PRISMS

The permit fee for the categories listed in 5.08.01 A. above shall be reduced by one-half (2) when the proposed construction is outside the roadway prism of an improved roadway, or anywhere within the public way of an unimproved roadway, or in the public way outside of roadway prisms. Proposed construction which lies both within and outside the roadway prism at various locations in the project involving improved roadways shall have the permit fee prorated accordingly.

C. ANNUAL PERMITS

A fee of \$100.00 shall be required for each Annual Permit issued.

D. PERMIT FEE EXEMPTIONS

Permit fees shall be waived when the proposed construction falls within any of the following categories:

1. All activity within drainage easements not included under the category of an Annual Permit.
2. All jacking or jacking and boring construction.
3. Utility pole placement within the public way.
4. Construction work performed directly by the County.

E. ROADWAY CONSTRUCTION \$250.00 Base Fee

Subgrade: Add \$0.15 per lineal foot of subgrade construction

Aggregate Base Course: Add \$0.10 per lineal foot of Aggregate Base Course construction

Paving: Add \$0.05 per lineal foot of paving construction

5.08.02 Permit fees shall be placed in the General Fund of the County and may be used to offset the cost of administration, random inspection, and spot

checking of the work performed in the public way. Permit fees may be partially refundable after permit issuance when the proposed construction is canceled or substantially shortened within the public way, otherwise they are non-refundable.

When administration and inspection costs exceed the fee paid by the applicant, due to reinspection of areas that have failed, the applicant may be billed for these additional costs. When billed, failing indemnification by the applicant, the County may withdraw the additional cost amount from the collateral provided by the applicant.

5.09 COLLATERAL FOR FAITHFUL PERFORMANCE

5.09.01 Each and every applicant for a permit to construct within the public way, except as hereinafter exempted, shall be required hereunder to provide the County, at the time of permit issuance, with collateral as security for the faithful performance of all provisions of these Regulations and of the permit. Said collateral shall be a cash deposit, irrevocable letter of credit, certificate of deposit issued by a bank within the State of Colorado, or surety bond as approved by the County Attorney. Facilities already collateralized by a Subdivision Improvements Agreement under Chapter 2 of the County's Land Use Regulations are exempt from these collateral requirements. Work in public drainage easements shall be excluded from the collateral requirements of this Section 5.09.

5.09.02 The amount of the collateral shall be as specified below:

- A. When the work to be done by the applicant will be confined to that portion of the public way which is exclusive of the roadway prism the base amount of the collateral shall be one hundred dollars (\$100.00), provided, however, that whenever the work to be done will affect in excess of fifty (50) lineal feet of the public way the amount of one dollar (\$1.00) per lineal foot of the excess will be added to the above mentioned base amount.
- B. When the work to be done by the applicant will affect that portion of the public way including the roadway prism, the base amount of the collateral shall be two hundred fifty dollars (\$250.00) when the driving surface within the affected roadway prism is graveled and two thousand dollars (\$2,000.00) when the driving surface within the effected roadway prism is paved, provided, however, that whenever the work to be done will affect in excess of twenty five (25) lineal feet of driving surface as measured in any direction horizontally the

amount of five dollars (\$5.00) per lineal foot of the excess will be added to the base amount for graveled driving surfaces and fifty dollars (\$50.00) per lineal foot of the excess will be added to the base amount for paved driving surfaces.

- 5.09.03 For any calendar year the first two thousand dollars (\$2,000.00) of collateral required by these Regulations must be in the form of a cash deposit, irrevocable letter of credit or certificate of deposit issued by a bank within the State of Colorado. Any additional collateral for one permit, or the cumulative requirements of multiple permits may be in the form of a surety bond, binding the surety with and for the applicant to the County, for the faithful performance of all provisions of these Regulations and the conditions of the permit, specifically including the two season correction period. It is a specific condition of this paragraph that the cash collateral may be applied, in accordance with the collateral conditions of these Regulations, to any and all of the applicant's permits for the construction season.
- 5.09.04 Public Utility Companies may submit for collateral requirements a yearly corporate bond without sureties. Private Utility Companies may submit for collateral requirements a yearly corporate bond without sureties, subject to approval by the Board, based upon that private utility company's financial strength.
- 5.09.05 The term of the collateral shall run coincident with the term of the applicant's permit, as indicated on the face of the permit by the Construction Schedule, and in addition, shall be in force for the full term of the correction period.
- 5.09.06 It shall be the sole responsibility of the applicant/permittee to periodically update and ensure that the aforementioned collateral remains in force and effect, and inures to the benefit of the County.
- 5.10 PAYMENT OF FEES AND COLLATERAL
- 5.10.01 The method of payment for permit fees shall be cash. The method of payment for collateral shall be cash, irrevocable letters of credit, or certificates of deposit. Collateral submitted as a cash deposit shall be deposited with the Office of the County Treasurer, and shall be non-interest bearing. Irrevocable letters of credit, and certificates of deposit, shall be held by the Office of the County Attorney. The use of bonds shall be as approved by the County Attorney.

5.11 INSURANCE

5.11.01 As a condition of a permit under these Regulations, each and every applicant shall purchase, and upon permit issuance, each and every applicant shall maintain in full force and effect for the duration of the permit, such insurance as will protect the applicant and the County, its officers, employees, and servants from claims set forth below which may arise out of or result from the applicant's operations, whether such operations be by himself or by any subcontractor or by anyone directly or indirectly employed by any of them, or by anyone for whose acts any of them may be liable:

- A. Claims under worker's or workmen's compensation, disability benefit and other similar employees benefit acts;
- B. Claims for damages because of bodily injury, occupational sickness or disease, or death of the applicant's employees;
- C. Claims for damages because of bodily injury, sickness or disease, or death of any person other than applicant's employees;
- D. Claims for damages insured by usual personal injury liability coverage which are sustained (1) by any person as a result of an offense directly or indirectly related to the employment of such person by the applicant, or (2) by any other person;
- E. Claims for damages, other than the permitted work itself, because of injury to or destruction of tangible property, including loss of use resulting therefrom;
- F. Claims for damages because of bodily injury or death of any person or property damage arising out of the ownership, maintenance, or use of any motor vehicle;
- G. Claims for damages associated with explosive, collapse, and other underground hazards;
- H. Claims for damages arising from completed operations.

5.11.02 The general liability insurance required under Section 5.11.01 shall be written for not less than (1) the sum of one hundred fifty thousand dollars (\$150,000.00) for any injury to one person in any single occurrence, and (2) the sum of six hundred thousand dollars (\$600,000.00) for an injury to two or more persons in any single occurrence. All other insurance required

hereunder shall be written for not less than the maximum amounts required by law. The County Attorney may, in his sole discretion, require increased insurance coverage for specific permits.

- 5.11.03 Certificates of Insurance acceptable to the County Attorney shall be filed with the County Engineer prior to issuance of any permit under these Regulations. At a minimum, such Certificates shall name the County as an additional insured, and shall contain a provision that coverages afforded under the policies will not be canceled until at least thirty days prior written notice has been given to the County.
- 5.11.04 A Public Utility Company may be relieved of the obligation of submitting certificates of insurance if it shall submit satisfactory evidence in advance that it is insured, or has adequate assets and provisions for self insurance. A letter signed by the President of the Company will meet this requirement. A Public Utility Company may submit annually evidence of insurance coverage in lieu of individual submissions for each permit.
- 5.12 APPROVAL OR DISAPPROVAL OF APPLICATION; COMMENCEMENT OF WORK
- 5.12.01 Within five (5) working days of the date of filing of any application and its attachments, the Engineer shall review same for conformance with the provisions of these Regulations and shall suspend, approve, or disapprove the application and its attachments.
- 5.12.02 If the application is suspended or disapproved, the Engineer shall state in writing to the applicant the reason for the suspension or disapproval.
- 5.12.03 If the application is approved, the Engineer shall sign and date the application in the designated place. The Engineer shall immediately thereafter prepare the permit, along with any necessary special conditions thereto in accordance with these Regulations, for the applicant's signature. The permit shall only be valid upon signature of the applicant, the Engineer, and any other parties whose signatures may be deemed necessary by the Engineer. The Engineer may require that the permit be signed by the facility owner and eventual operator/maintainer in addition to the party constructing the facility in order to effect the long term ownership, operation and maintenance requirements of these Regulations. Any person representing himself as an authorized agent may be required to furnish concurrently with their signature a notarized affidavit or power of attorney, satisfactory in form and substance to the County Attorney, evidencing that said person has been

duly delegated the legal authority and power to sign and bind the party he / she represents to all requirements of these Regulations and any special permit conditions.

5.12.04 No work shall be commenced until the Engineer has approved the application and until a permit to construct within the public way has been issued for such work, except as specifically provided to the contrary in these Regulations.

5.12.05 The applicant will cause the work to be performed at no expense whatsoever to the County.

5.12.06 In suspending, approving, or disapproving applications for work in the public way, or permits therefore; in checking plans, specifications, and sketches; in the inspection of work in the public way; and generally in the exercise of the authority conferred upon him by these Regulations, the Engineer shall only act in such a manner as to preserve and protect the integrity of the public way and the use thereof. The Engineer shall have no authority to govern the actions or inactions of applicants and permittees or other persons which have no relationship to the use, preservation, or protection of the public way.

5.13 COMPLIANCE WITH ENGINEERING AND CONSTRUCTION STANDARDS, SPECIFICATIONS, AND DETAILS

5.13.01 All work performed in the public way shall conform to the requirements of the Engineering and Construction Standards, Specifications, and Details of the county as set forth in Section 5.36 et. seq. of these Regulations.

5.14 PERMIT DURATION AND LIMITS

5.14.01 Each application for a permit to construct within the public way shall state the proposed initial construction commencement date and estimated initial construction completion date, except in the case of Annual Permits. If the application is approved, the permit shall be valid for the time period specified as the construction schedule on the permit form. If the work is not completed during such period, the applicant shall apply to the Engineer for an extension. The extension may be granted by the Engineer if the terms and provisions of these Regulations, of the original permit(s), and of any special conditions issued incident thereto are being satisfied as determined by the Engineer.

An extension may be denied by the Engineer if the Engineer finds that work under the original permit(s), or as extended, has not been satisfactorily performed in accordance with the terms and provisions of these Regulations, of the permit(s), or any special conditions issued incident thereto.

- 5.14.02 Except in the case of emergencies, permits to construct within the public way shall only be issued and/or valid during the period commencing April 15 and terminating November 15 of each respective year. If weather conditions warrant, such period may be extended or curtailed by the Engineer on a case by case basis. Factors to be used by the Engineer shall include the geographical location of the construction, frost penetration, snow cover, roadway conditions as affected by the weather, the urgency of the construction, and the safety of the public way user.

5.15 ADDITIONAL PERMITS

- 5.15.01 Issuance of a permit to construct within the public way by the County, pursuant to these Regulations, shall in no way be interpreted as relieving the applicant from the requirement of obtaining any and all necessary permits from other governing agencies including, but not necessarily limited to:

- A. Army Corps of Engineers
- B. Bureau of Land Management
- C. Colorado Department of Transportation
- D. Colorado Water Quality Control Commission
- E. Industrial Commission of Colorado
- F. Any incorporated town within the County
- G. U.S. Forest Service
- H. Public Utilities Commission

5.16 PERMIT AT THE JOB SITE; FIELD CHANGES AND REVISIONS

- 5.16.01 The applicant's copy of the permit shall be kept on the work site at all times work authorized under said permit is in progress. Work may be suspended by the Engineer if no permit is kept at the work site.

- 5.16.02 When necessary, revisions in the work under the permit to meet unanticipated site conditions which have no impact on drainage ways or the roadway prism may be proceeded with by the applicant and/or permittee without notice to the Engineer. Before revisions in the work, to meet unanticipated site conditions, that may impact drainage ways or the roadway

prism are commenced, the applicant and/or permittee shall notify the Engineer for the purpose of scheduling an on-site review of the revisions and the Engineers authorization of same.

5.17 ASSIGNMENT OF PERMITS

5.17.01 Permits to construct within the public way shall not be transferable or assignable, and work shall not be performed under a permit to construct within the public way in any place other than that specified on the permit.

5.18 PROTECTION OF THE PUBLIC WAY USER

5.18.01 The applicant shall provide, erect, and maintain all necessary barricades, lights, control devices, signs, and warning devices (including flagmen when required), and shall take all necessary precautions for the protection and safety of the public. Roads partially or fully closed to traffic, vehicular or pedestrian, shall be protected by effective barricades. Obstructions shall be illuminated during hours of darkness. Suitable warning signs shall be provided and maintained to properly control and direct traffic.

The applicant shall erect and maintain warning signs in advance of any place where operations may interfere with the use of the road by traffic. Warning signs shall be placed and maintained at all intermediate points where the work crosses or coincides with an existing road.

All barricades, lights, control devices, signs, and warning devices, and their placement shall conform to the guidelines of the MUTCD.

5.19 NOTICES TO OWNERS AND TENANTS ABUTTING AND ADJOINING

5.19.01 If the work to be undertaken by the applicant will affect the access of properties abutting, adjoining, or in the immediate vicinity of the project, the applicant shall contact the affected property owners and/or tenants and inform them of the proposed work to be done, in an effort to mitigate any negative impacts to said property owners and/or tenants. The Engineer shall be notified in advance of actions taken.

5.20 EXCAVATION WITHIN PAVED PUBLIC ROADWAYS

5.20.01 Permits to construct within the public way which would involve excavation within any paved public roadway shall be issued with the provision that said excavation shall only be authorized when the following conditions have been met:

- A. Alternate routes for the utility or proposed installation which would minimize or negate the necessity to excavate within the affected paved public roadway are not feasible. Said alternate routes may include, but not be limited to, a shift in horizontal alignment of the proposed installation, "double frontage" of the utility main in the case of service connections, making use of nearby easements which would allow an alternate route, etc. and/or:
- B. There are no useable conduits in place crossing under the affected paved public roadway in an accessible location to the proposed work site and/or:
- C. In the case of transverse installations, alternate methods of construction, namely jacking or jacking and boring, are not feasible. Said alternate methods shall generally be considered feasible, except as herein provided, unless and until it has been demonstrated by the applicant that subsurface conditions prevent the possibility of jacking or jacking and boring. This demonstration shall include, but not be limited to, no fewer than three (3) attempts at jacking or jacking and boring, at least one of which has been witnessed by the Engineer, that result in failure in each instance.

Instances in which jacking or jacking and boring shall be considered unfeasible at the time of application shall include, but not be limited to, (1) repair of a utility main which lies directly under the pavement, (2) service connections to the utility main which lies directly under the pavement that cannot make use of an access hole and jacking or boring, (3) installations where line and grade is absolutely essential to the function of the proposed facility, (4) instances when the depth of the facility being installed would be in excess of four (4) feet, or (5) installations in areas of known geologic difficulty, i.e., rocks and boulders. Situations not mentioned above shall be considered on a case by case basis.

The Engineer may waive the requirement of jacking or boring, at the time of application, when the condition of the affected paved public

roadway is such that it is scheduled to be reconstructed or resurfaced within two (2) years of the time of application.

Note:

In the event that jacking and boring is not successful, prior to authorization by the Engineer for excavation within the paved public roadway, the site plan may need to be revised showing the necessary additional construction zone traffic control, conforming to the guidelines of the MUTCD.

D. When excavation within a paved public roadway is authorized it shall be noted in the special conditions on the face of the permit.

5.20.02 Except in the case of Emergency Work (see Section 5.26 of these Regulations) whenever excavation within any paved public roadway occurs without the express written authorization of the Engineer, said excavation shall be considered a violation of the provisions of these Regulations and shall render the applicant subject to such proceedings as provided in Section 5.30 of these Regulations, and in addition may be cause for refusal by the Engineer to issue future permits to construct within the public way to the applicant and/or permittee unless said applicant and/or permittee shall have first sought and obtained a hearing before the Board of County Commissioners, and has obtained their approval for issuance of said permits.

5.21 INSPECTION

5.21.01 Inspections will generally be performed on a spot check basis for general conformance with the terms and provisions of these Regulations, and any special conditions of the permit(s) issued pursuant to these Regulations.

5.21.02 The criteria to which construction within the public way will be inspected is set forth in the Engineering and Construction Standards, Specifications, and Details found in Section 5.36, et. seq. of these Regulations. Any other inspection requirements will be noted on the permit(s) issued pursuant to these Regulations.

5.22 CORRECTION NOTICES AND STOP WORK ORDERS; SUSPENSION AND REVOCATION OF PERMITS

5.22.01 Any permit to construct within the public way may be suspended by the issuance of a correction notice, or revoked by the issuance of a stop work order to the applicant by the Engineer for violation of any provision of these Regulations, of any condition of the permit, or of any other laws relating to the work.

5.22.02 A correction notice or stop work order by the Engineer shall take effect immediately upon the presentation of such notice to the person performing the work in the public way. If no persons are present at the job site where the violation has occurred, the correction notice or stop work order will be posted in a conspicuous place, such posting constituting the aforesaid notice. Notices given after conditional approval, as defined in Section 5.24 of these Regulations, shall be considered as given when mailed certified, return receipt requested, to the address of the applicant as shown on the permit application, or as changed by written notice from the applicant to the Engineer.

5.22.03 Immediately upon receipt of the correction notice, the applicant shall begin such work as is necessary to remedy the condition which led to the issuance of the correction notice.

5.22.04 A stop work order may be issued by the Engineer directed to any person or persons doing or causing any work to be done in the public way without a permit to construct in the public way, or in violation of any provision or provisions of these Regulations and/or the permit issued pursuant thereto.

5.22.05 Failure to comply with a correction notice or stop work order may cause the Engineer to utilize the collateral posted for faithful performance to have the correction performed and/or the work site restored by others. When the collateral posted is insufficient to cover all costs the applicant shall be billed for the additional costs and, failing indemnification, action may be commenced by the County Attorney against the applicant, and surety in the event a surety bond was posted to guarantee faithful performance, to recover said additional costs, plus attorney and court costs. Additionally, failure to comply with a correction notice or stop work order, or failure to indemnify the County for additional cost incurred by the County as mentioned above, may be cause for refusal by the Engineer to issue future permits to construct within the public way to the applicant and/or permittee, in addition to other enforcement remedies provided in Section 5.30 of these Regulations, unless the applicant and/or permittee has first sought and obtained a hearing before

the Board of County Commissioners and has obtained their approval for issuance of said permits.

5.22.06 Neither the Engineer's authority to act under this section, nor any decision made by the Engineer in good faith, either to exercise or not exercise such authority shall give rise to any duty, liability, or responsibility on the part of the Engineer to exercise this authority for the benefit of the applicant, permittee, or any other party.

5.23 CORRECTION PERIOD

5.23.01 If any work is found to be defective after the date of conditional approval and prior to the expiration of two permit seasons (April 15 to November 15) beyond the permit season during which the permit is conditionally approved in accordance with Section 5.24.01 below, or such longer period of time as may be prescribed by law or by these Regulations, the applicant shall promptly, and in accordance with the Engineer's written instructions, either correct such defective work or, if it has been rejected by the Engineer, remove it from the work site and replace it with nondefective work. The Engineer's written instructions shall be in the form of a correction notice and shall state the correction measures to be taken and the period of time deemed by the Engineer to be reasonably necessary for the completion of the correction measures. Such correction may be subject to an additional one year warranty period as determined by the Engineer.

5.24 CONDITIONAL APPROVAL

5.24.01 Upon satisfactory completion of the work pursuant to the provisions of these Regulations and any special conditions of the permit, as determined by the Engineer, said Engineer shall sign the permit and copies thereof indicating "Conditional Approval". It shall be the duty of the applicant to notify the Engineer, at least twenty four (24) hours in advance, when the applicant considers the work site ready for conditional approval. Work site must be clear of snow or other visual obstructions so as to allow for the Engineer's conditional approval. Work sites not complying will delay the commencement of the warranty period. If the Engineer shall find that the work site is not ready for conditional approval, after being notified by the applicant as stated above, the Engineer shall state in writing, in the form of a correction notice, such work that needs to be completed prior to the conditional approval. A reinspection of the work site for conditional approval shall be arranged at that time.

- 5.24.02 Upon conditional approval, the correction period, as specified in Section 5.23 of these Regulations shall commence to run. Upon the expiration of such correction period, and the satisfactory performance and seasoning of the work, as determined by the Engineer, during such correction period, said Engineer shall cause any collateral held by the County to be released to the applicant.
- 5.24.03 Satisfactory performance and seasoning of the work at the end of the correction period shall include the following:
- A. Restored gravel driving surfaces:
 - 1. The variation between any two contacts with the surface shall not exceed one inch in ten feet, using a ten foot straight edge.
 - 2. Trench settlement shall not exceed one inch.
 - B. Restored paved driving surfaces:
 - 1. The variation between any two contacts with the surface shall not exceed one-half (2) inch in ten feet, using a ten foot straight edge.
 - 2. Trench settlement shall not exceed one-half (2) inch.
 - C. There are no depressions or settlements associated with permitted work within the public way which would lead to the ponding or collection of surface water.
 - D. No cracks are found in the restored bituminous pavement, exclusive of joints with original pavements.
 - E. Revegetation, when required at the time of initial construction, is established.
 - F. All necessary clean up has been accomplished.
 - G. All repairs to work site improvements have been accomplished, and are acceptable to the improvements owner.
 - H. In general, the work site is in at least as good a condition than existed prior to the start of construction.

5.24.04 Collateral shall be considered released when mailed certified, return receipt requested, to the address of the applicant shown on the permit application, or as changed by written notice from the applicant to the Engineer. Collateral returned to the County as not deliverable shall be retained by the County for a period of one (1) year. At the end of the above mentioned one year, if no claim has been made by the applicant, said collateral shall be transferred to the General Fund of the County and shall be considered forfeited by the applicant.

5.25 CORRECTIVE WORK AND MAINTENANCE

5.25.01 The applicant and/or permittee shall maintain the facility that is installed at all times and agrees to hold the County, the agencies thereof, and their officers and employees harmless from any and all loss and damage which may arise out of, or be connected with, the installation, maintenance, repair, alteration, or removal of this installation or the facilities constructed under a permit issued in accordance with these Regulations.

5.25.02 The applicant shall maintain the restoration of the work site throughout the full correction period. Restoration maintenance would include such things as necessary reseeding, repair of any erosion mitigation measures due to lack of seasoning, and sealing of pavement patch joints after one winter of seasoning.

5.25.03 Whenever maintenance operations on the installed facility, not permitted under an Annual Permit, require re-excavation, the applicant and/or permittee shall obtain a new permit. Re-excavation during the correction period for restoration correction purposes shall be excluded from this requirement, however, the applicant and/or permittee shall be responsible for giving notice to the Engineer and submitting evidence of insurance as required by Section 5.11 of these regulations prior to commencing the re-excavation.

5.25.04 The person performing the above mentioned maintenance, repair, alteration, or removal operations is required to post and maintain necessary construction zone traffic control in accordance with the MUTCD, while performing said maintenance, repair, alteration, or removal operations within the public way.

5.26 EMERGENCY WORK

- 5.26.01 Any person maintaining utilities or facilities in the public way may proceed with work upon existing facilities without a permit to construct within the public way when emergency circumstances demand the work be done immediately, provided a permit to construct within the public way could not reasonably and practicably have been obtained beforehand.
- 5.26.02 Any person commencing emergency work in the public way without a permit shall immediately thereafter apply for a permit on the first regular business day which County offices are open. A permit to construct within the public way shall be issued, pursuant to the provisions and conditions of these Regulations, and shall be retroactive to the date when the work was begun.
- 5.26.03 Nothing in this section shall be so construed or interpreted as to relieve the person performing the above mentioned emergency work of his responsibility to post and maintain necessary construction zone traffic control in accordance with the MUTCD while performing said emergency work.
- 5.26.04 Whenever seasonal circumstances prevent adherence to the Engineering and Construction Standards, Specifications, and Details as set forth in Part II of these Regulations, the person performing the emergency work shall be required to perform the necessary work for conformance with above mentioned standards as soon as seasonal circumstances allow.

5.27 RELOCATION

- 5.27.01 In the event that a public way within the County is widened and/or otherwise altered in the future which will require the removal and/or relocation of facilities and/or their appurtenances caused to be installed in that public way by a permittee pursuant to the provisions of these Regulations, the permittee shall cause to have removed and/or relocated, without unnecessary delay, such facilities and/or their appurtenances upon the receipt of advance written notice from the Engineer. Such removal and/or relocation shall be at the permittee's sole expense.

5.28 LISTING OF FACILITIES IN PUBLIC WAYS

- 5.28.01 Every operator/maintainer controlling or having an interest in utilities, or other facilities, within any public way shall, upon request by the Engineer, file with the Engineer, within one hundred twenty (120) days after the date of such a

request, a legible map or a written statement identifying the public ways wherein the aforementioned utilities or facilities owned by such operator/maintainer are located, together with their location therein, provided, however, that the requirement to furnish such map or statement may be excused in whole or in part if the operator/maintainer to whom such request is made shall show to the Engineer that all or part of the information requested is not available to, or within the control of, the operator/maintainer to whom such request is directed.

5.28.02 Following the submittal of the aforesaid map or written statement, such operator/maintainer, upon further request by the Engineer, shall update such map or written statement by filing with the Engineer any changes which have occurred in the previous respective year.

5.29 APPEAL

5.29.01 Any person, applicant and/or permittee aggrieved by a decision of the Engineer made pursuant to the provisions of these Regulations may appeal such decision, in accordance with the procedures contained in Section 1.17 of the Eagle County Land Use Regulations, to the Board of County Commissioners. The written decision of the Board shall be deemed final action for purposes of initiating court action.

5.30 ENFORCEMENT

5.30.01 No person shall erect any fence, house, or other structure, or dig pits or holes in or upon any public way, or place thereon or cause or allow to be placed thereon any stones, timber, or trees or any obstruction whatsoever without first complying with these Regulations. No person shall tear down, burn, or otherwise damage any bridge of any public way, or cause waste water, or the water from any ditch, road, drain, flume, agricultural crop sprinkler system, or other source to flow or fall upon any public way so as to damage the same or to cause a hazard to vehicular traffic. Any person so offending is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than ten dollars nor more than three hundred dollars and shall also be liable to any person or the County of Eagle in a civil action for any damages resulting therefrom. Upon a third conviction therefor, the offender shall be punished by a fine of not less than ten dollars nor more than three hundred dollars or by imprisonment in the County jail for not more than three days and shall also be liable to each person or the County of Eagle in a civil action for

any damages resulting therefrom. Each day such condition is allowed to continue upon any public way shall be deemed a separate offense.

- 5.30.02 No person shall dam the waters of any stream so as to cause the same to overflow any public way or damage or weaken the abutments, walls, or embankments of any bridge of any public way. Any person violating any of the provisions of this section shall forfeit the sum of fifty dollars to the County of Eagle in a civil action for any damages resulting therefrom.
- 5.30.03 No person shall repeatedly, willfully, or negligently cause or allow water to flow, fall, or sprinkle from any ditch, lateral, canal, waste ditch, reservoir, pond, drain, flume, or agricultural crop sprinkler system upon any public way so as to damage the same or to cause a hazard to vehicular traffic. Any person so offending is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than ten dollars nor more than three hundred dollars. Upon a third conviction therefore, the offender shall be punished by a fine of not less than ten dollars nor more than three hundred dollars or by imprisonment in the County jail for more than three days. Each day that water is allowed to flow upon any public way shall be deemed a separate offense.
- 5.30.04 Any person owning or constructing any ditch, race, drain, or flume in, upon, or across any public way shall keep the public way open for safe and convenient travel by constructing culverts, bridges, or similar structures over such ditch, race, drain, or flume in compliance with these Regulations. Any person who fails to construct a culvert, bridge, or similar structure across any ditch, race, or flume in compliance with these Regulations shall, in addition to other remedies, forfeit the sum of twenty five dollars to the County for each day of failure to construct such bridge, culvert, or similar structure together with the cost of construction thereof. Proceeds from such penalties shall be paid into the Eagle County Road and Bridge Fund. The Board may construct such culvert, bridge, or similar structure if the owner of such ditch, race, drain, or flume fails to construct the same in compliance with these Regulations.
- 5.30.05 If any person fails or refuses to comply with these Regulations or purposely destroys or injures any public way, sidewalk, bridge, culvert, or causeway, or removes any of the timber or planks thereof, or obstructs the same, he shall forfeit a sum of not less than one hundred dollars nor more than three hundred dollars and shall be liable for all damages occasioned thereby and for all necessary costs for rebuilding or repairing the same.

All forfeitures and sums of money recovered under this section shall be turned into the Eagle County Road and Bridge fund.

5.30.06 In addition to other remedies provided by law, the Board, by and through its County Attorney, may institute an injunction, mandamus, abatement, or other appropriate action or proceedings to prevent, enjoin, abate, or remove a public nuisance or to prevent, enjoin, or abate any person from constructing in the public way unless such person shall first have obtained a permit for the performance of such construction, except as specifically provided to the contrary in these Regulations, and unless such construction shall be performed in conformity with the terms and provisions of these Regulations, of the permit or permits issued hereunder, or of any special conditions issued incident thereto.

5.30.07 The foregoing remedies and enforcement provisions shall be cumulative and not exclusive and shall be in addition to any other remedies and enforcement provisions provided by law.

5.30.08 The issuance of a written notice by the Engineer as specified throughout these Regulations shall in no way or manner be deemed a prerequisite to the institution of any enforcement proceedings set forth herein; and provided further, that compliance with such written notice shall not necessarily be deemed to be a defense in any alleged violation of these Regulations in any court action instituted seeking full compliance therewith, but evidence of compliance with such order may be introduced as matter in mitigation and extenuation.

5.31 HOLD HARMLESS

5.31.01 The applicant and/or permittee shall agree to indemnify and save the County, its officers, employees, and agents harmless from any and all costs, damages, and liabilities which may accrue or be claimed to accrue by reason of any work performed under a permit to construct in the public way. The acceptance of any permit under these regulations shall constitute such an agreement by the applicant and/or permittee whether the same is expressed or not, except to the extent of any liability resulting from the willful or intentional act on the part of the County, its officers, employees, and agents.

5.32 LIABILITY OF COUNTY

5.32.01 These Regulations shall not be construed as imposing upon the County or any official or employee of the County any liability or responsibility for damages to any person injured or property damaged by reason of the performance of any work within the public way, or under a permit issued pursuant to these Regulations. Neither shall the County or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of random inspections discussed hereunder, the issuance of any permit, or the approval or disapproval of any work.

5.32.02 These Regulations shall not be construed as imposing upon the County or any official or employee of the County, any liability or responsibility for damages to persons or property resulting from any inspection as herein provided or resulting from any failure to so inspect; or resulting from the issuance, suspension, or denial of a permit authorized hereunder; or resulting from the approval or disapproval of any work under these Regulations or a permit issued in accordance therewith; or resulting from the institution of court action as hereinabove set forth or the forbearance by the Board to so proceed.

5.32.03 Any County official, employee, or agent charged with the administration, supervision, and enforcement of these Regulations, acting in good faith and without malice on behalf of said County in the discharge of his official duties, shall not thereby render himself personally liable for any damages which may accrue to persons or property resulting from any such act or omission committed in the discharge of such duties. Any suit or proceeding instituted against such official or employee, stemming from any act or omission performed by him in the enforcement or attempted enforcement of any provision of these Regulations shall be defended by the legal officers of the County until final termination of the proceedings.

5.33 SEVERABILITY

5.33.01 If for any reason any one or more sections, sentences, clauses, or parts of these Regulations are held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of these Regulations, but shall be confined in its operation to the specific sections, sentences, clauses, or parts of these Regulations held invalid, and the invalidity of any section, sentence, clause, or part of these Regulations in any one or more instances, shall not affect or prejudice in any way the validity of the remaining provisions hereof.

5.34 INCORPORATION

5.34.01 The Application for Permit to Construct Within the Public Way of Eagle County and the Permit to Construct Within the Public Way of Eagle County are hereby incorporated herein and made a part of these Regulations as if fully set forth at length herein.

5.35 BINDING EFFECT

5.35.01 The responsibilities, agreements, and obligations of the applicant and/or permittee under these Regulations shall inure to the benefit of the County and be binding upon the applicant's and/or permittee's successors, heirs, and assigns.

PART II - DESIGN AND CONSTRUCTION PROVISIONS

5.36 ENGINEERING AND CONSTRUCTION STANDARDS, SPECIFICATIONS, AND DETAILS

5.36.01 NOTIFICATION TO ENGINEER

- A. Forty eight (48) hours in advance of commencement of the work.
- B. Forty eight (48) hours in advance of commencement of jacking and boring attempts.
- C. Forty eight (48) hours in advance of commencement of the backfilling operation.
- D. No later than twenty four (24) hours after completion of the work.

5.36.02 TRAFFIC CONTROL

- A. General:
 - 1. In accordance with the MUTCD.
- B. Detours:
 - 1. Traffic control per the MUTCD.
 - 2. Horizontal alignment shall provide a minimum safe speed for vehicular traffic of fifteen (15) miles per hour.
 - 3. A detour plan must be submitted to the Engineer PRIOR to the issuance of the permit(s). When conditions in the field prescribe the use of an unanticipated detour AFTER the permit is issued, all work under the permit(s) shall be suspended until such time as the detour plan has been submitted to and reviewed by the Engineer.
 - 4. The detour shall be contained within the limits of the public way, unless the applicant has obtained the express authorization of the affected private land owner.

5. The applicant will notify the Sheriff's Office, Fire Departments, ambulance services, and other affected agencies.
6. Driving surface shall be all weather or maintained to an all weather condition.
7. Traveled way shall be two lanes, one in each direction clearly defined, at all times when flagmen are not present and functioning in their intended capacity.

C. Road Closure:

1. Advance authorization of the Board of County Commissioners and advance notification to the Sheriff's Office, Fire Department, Ambulance services, other affected agencies, and the public required.
2. Alternate routes for users of the affected roadway shall be provided in advance of any other construction.
3. Roadways of collector and above status in the County shall not be closed.
4. Traffic control per the MUTCD.

D. Temporary Disruption of Traffic:

1. In order to perform the proposed work, temporary traffic disruptions of up to one (1) hour may be authorized by the Engineer on a case by case basis.
2. Notification according to Sections 5.19 and 5.36.01 of these Regulations as well as to the agencies listed in Section 5.36.02, B.5 above is required as well.
3. Any additional requirements of the disruption shall be listed as the special conditions on the permit.

E. Emergency Vehicles:

In no case shall the applicant, by reason of the work being performed in the public way, be allowed to impede the progress of any emergency vehicle(s). In the event an emergency vehicle(s)

approaches the work site, the applicant shall be responsible for ceasing and desisting all work in the public way except that which is necessary to allow the immediate passage of said emergency vehicle(s).

5.36.03 MINIMUM DEPTH OF COVER

A. General:

1. All underground installations, except drainage culverts - twenty four (24) inches.
2. Drainage culverts - twelve (12) inches to the top of culvert, or as necessary to provide positive roadside drainage.

B. Special Provisions:

In areas adjacent roadways that presently do not have well defined drainage ditches, the minimum depth of cover in ditch areas may be extended up to forty eight (48) inches below the surface of the roadway for all underground installations, except drainage culverts.

C. Other Requirements:

These provisions do not supersede other requirements of underground installations, such as the Department of Transportation, Public Utilities Commission, National Electrical Code, etc., unless these provisions are more stringent.

5.36.04 BACKFILL

A. Materials:

1. Transverse installations and longitudinal installations less than fifty (50) feet in improved roadways: Colorado State Department of Transportation Class 6 Aggregate Base Course within the roadway prism.
2. Longitudinal installations in excess of fifty (50) feet in improved roadways: Well graded stable granular material conforming to the requirements of the Colorado State Department of

Transportation Class I Structure Backfill within the roadway prism, except that the last twelve (12) inches shall be backfilled with Colorado State Department of Transportation Class 6 Aggregate Base Course.

3. Suitable material for use in backfilling within the roadway prism of unimproved roadways, or new development roadways under construction at the subgrade stage, is that excavated material which is free of organic material, frozen lumps or rocks in excess of eight (8) inches in diameter, provided however, that rocks in excess of three (3) inches in diameter shall not be used within the last twelve (12) inches of backfill.
4. Native materials may be used for backfilling outside the roadway prism.
5. The Engineer may require the re-treatment of the gravel driving surface, when it exists, and has been contaminated by the excavation or stockpiling of native materials.

B. Method:

All backfilling to be mechanically compacted in lifts ranging in thickness from four (4) to twelve (12) inches, said lifts being commensurate with the size and type of compaction equipment and backfill material being used.

For example, when a jumping jack is being used for compaction of Colorado Department of Transportation Class 6 Aggregate Base Course, the lift should not exceed 4 inches.

C. Performance:

1. All backfilling within the roadway prism: Compact granular material to at least 95 percent of standard proctor maximum density as determined at optimum moisture content. Moisture content of backfill material should be from minus one percent to plus two percent of optimum moisture at all times.
2. All backfilling outside the roadway prism, yet within the limits of the public way: Compact suitable material to at least 90 percent of standard proctor maximum density as determined at optimum moisture content.

D. Compaction Testing:

1. The applicant and/or permittee is responsible for ensuring that all backfilling conforms to the requirements of these Regulations. The County may perform in-place density testing on a random or spot basis.
2. When in-place density testing is required as a special condition of the permit, or is done to indicate uniform construction methods, items 3. through 6. immediately below are minimum requirements of said testing.
3. Frequency:
 - a. Transverse installations:
 - (1) Horizontal interval: One (1) per fifteen (15) lineal feet of excavation, or fraction thereof.
 - (2) Vertical interval: One at one (1) foot above the finished utility foundation or bedding course, then one (1) at each successive two (2) foot level until completely backfilled, with the last test at the finished surface of the backfill.
 - b. Longitudinal installations:
 - (1) Horizontal interval: One (1) per one hundred (100) lineal feet of excavation, or fraction thereof.
 - (2) Vertical interval: One at one (1) foot above the finished utility foundation or bedding course, then one (1) at each successive two (2) foot level until completely backfilled, with the last test at the finished surface of the backfill.
4. Moisture-Density relation: ASTM D698 (Standard Proctor).
5. In-place Density: Any of the following:
 - a. ASTM D-2937 (Drive Cylinder)
 - b. ASTM D-2167 (Rubber Balloon)

- c. ASTM D-1556 (Sand Cone)
 - d. ASTM D-2922 (Nuclear)
6. Access to test location and depth: Applicant to furnish equipment and personnel if they are on-site.

5.36.05 JACKING AND BORING

A. General:

Transverse installations within the public way shall be "jacked" or "jacked and bored" without disturbing the surface or structure above, in accordance with the provisions of Section 5.20 of these Regulations.

B. Encasement:

1. Transverse installations by jacking and boring shall be encased in pipe of larger diameter, unless the carrier pipe itself is jacked or jacked and bored, or the jacked pipe is used to retrieve a carrier pipe of the same size.
2. Any encasement installed shall be required for the full limit of the affected roadway prism.
3. Bores shall not be larger than lines or encasements.
4. Joints of any encasement installed shall be watertight.

C. Water:

Water assisted boring will be permitted, as determined by the Engineer. Water jetting will not be permitted.

D. Tunneling:

Tunneling shall not be allowed.

E. Minimum Burial Depth:

Minimum burial depth as specified in Section 5.36.03 above shall apply.

5.36.06 PAVEMENT REMOVAL AND RESTORATION

A. General:

Permanent pavements, subject to the provisions of this section, are all improved pavement surfaces above the quality of treated gravel.

B. Job Conditions:

1. Pavement Remnant limit: Remove to edge or joint where remnant dimension is less than three (3) feet.
2. Seasonal limitations: April 15 to November 15 as set forth in Section 5.04.03, or except in the case of Emergency Work as set forth in Section 5.26 of these Regulations.
3. Scheduling:
 - a. Restoration of pavement: Within 30 days of the utility installation, or less, to comply with Section 5.36.06 B.2 above or as authorized by the Engineer.
 - b. Cleanup: Promptly following pavement restoration.
4. Maintenance of Temporary Surfaces:

Applicant shall provide until permanent pavement is installed.

C. Materials:

1. Gravel Base: Colorado Department of Transportation Class 6 Aggregate Base Course.
2. Bituminous Base: Colorado Department of Transportation Hot Plant Mix Bituminous Pavement - Grading C, D, or E.
3. Bituminous Surface: Colorado Department of Transportation Hot Plant Mix Bituminous Pavement - Grading C, D, or E.
4. Bituminous Surface Overlay: Colorado Department of Transportation Hot Plant Mix Bituminous Pavement - Grading D.

5. Bituminous Joint Seal: Flex-a-Fill, or approved equal.

D. Execution:

1. Performance:

a. General:

Removal: becomes property of the applicant for disposal.

b. Gravel Base under Paved Driving Surface, including shoulder area:

(1) Restoration thickness: twelve (12) inches.

(2) Construction method: See Section 5.36.04 B. of these Regulations.

(3) Surface tolerance: One quarter (3) inch in ten (10) feet.

c. Paved Driving Surface:

(1) Cutting: Pre-cut vertically in straight lines at right angles, or parallel, to pavement mat centerline such that waste material can be excavated without disturbance or damage to the adjoining mat. Approved methods of pre-cutting the mat are a cutting wheel, jack-hammer, or power cut-off saw.

Prior to placement of bituminous pavement patch, mat shall be re-cut vertically, with square edges, a minimum of twelve (12) inches beyond the edge of pavement mat previously cut, or as damaged during construction, by means of a power cut-off saw.

(2) Restoration thickness: Original thickness plus one (1) inch, however, minimum finished thickness is three (3) inches.

- (3) Construction method: Apply tack coat to pavement edges. Mechanically compact in lifts not to exceed one and one-half (1½) inches. Each lift must achieve stability before applying successive lifts. Tack coat may be required between lifts. Surface course shall be rolled with a steel drum pavement roller.
 - (4) Surface Tolerance: The variation between any two contacts with the surface shall not exceed three-sixteenths (3/16) of an inch in ten feet, using a ten foot straight edge.
- d. Gravel Driving Surface, including shoulder area:
- (1) Restoration thickness: Original thickness plus two (2) inches, however, minimum total thickness is six (6) inches.
 - (2) Construction method: See Section 5.36.04 B. of these Regulations.
 - (3) Surface Tolerance: The variation between any two contacts with the surface shall not exceed 3 inch in ten feet, using a ten foot straight edge.

5.36.07 WORK SITE IMPROVEMENTS PROTECTION AND RESTORATION

A. General:

1. Description:

This section encompasses the work required for the protection of all existing improvements, public and private, in the vicinity of the work site, and their restoration.

2. Scheduling:

a. Cleanup:

- (1) Immediately following the installation authorized under the permit, or;

(2) Generally within one hundred (100) feet of the progress of the work in the case of longitudinal installations.

b. Restoration:

Promptly following the installation authorized under the permit.

B. Products:

All materials used shall be at least the same or equal quality of those that existed prior to the start of construction.

C. Performance:

1. Protection: All items not indicated for removal.

2. Restoration: Approval of the improvements owner required.

5.36.08 ROADWAY CONSTRUCTION

Reserved

5.36.09 DRIVEWAY APPROACHES

Reserved

5.36.10 MISCELLANEOUS PROVISIONS CONCERNING UTILITY INSTALLATIONS

A. Paved Surface Protection

No cleated or tracked equipment shall be allowed to work on or move over paved surfaces without mats or padding, and no equipment outriggers or stabilizers shall rest directly on paved surfaces, but shall be padded to protect the pavement.

B. Plastic Conduits

Plastic pipe used as conduit for utilities shall, as a minimum, meet ASTM D2750, Type II (Direct Burial), ASTM D3034, SDR35 or equal.

C. Limitations

1. Work shall be allowed to be performed within the public way on Saturdays, Sundays, or holidays provided that the Engineer has been notified, and has approved said work, at least two days in advance.
2. No open trench shall be permitted in the public way during hours of darkness, unless the public way is closed to the public due to being under construction and is positively barricaded, or unless otherwise specified in the special conditions on the face of the permit.
3. All excavated materials shall be removed from the roadway surface each day.

D. Horizontal Alignment

Where the installation crosses the driving surface transversely, the crossing shall be as perpendicular to the driving surface as is feasible.

E. Crossing Irrigation Ditches, Canals, or Water Carrying Structures

Where the installation crosses any irrigation ditches, canals, or water carrying structures it shall be jacked or jacked and bored through and at a minimum of twenty four (24) inches below the invert of the above mentioned facilities or as otherwise approved by the facilities owner. In no case shall the flow of water ever be impaired or interrupted unless authorized by the owner of the above mentioned facilities.

F. Plowing Utilities

1. Minimum depth of cover for utilities installed by plowing shall be as set forth in Section 5.36.03 of these Regulations.
2. Rocks brought to the surface when plowing shall be removed, then the area backfilled according to Section 5.36.04 of these Regulations.

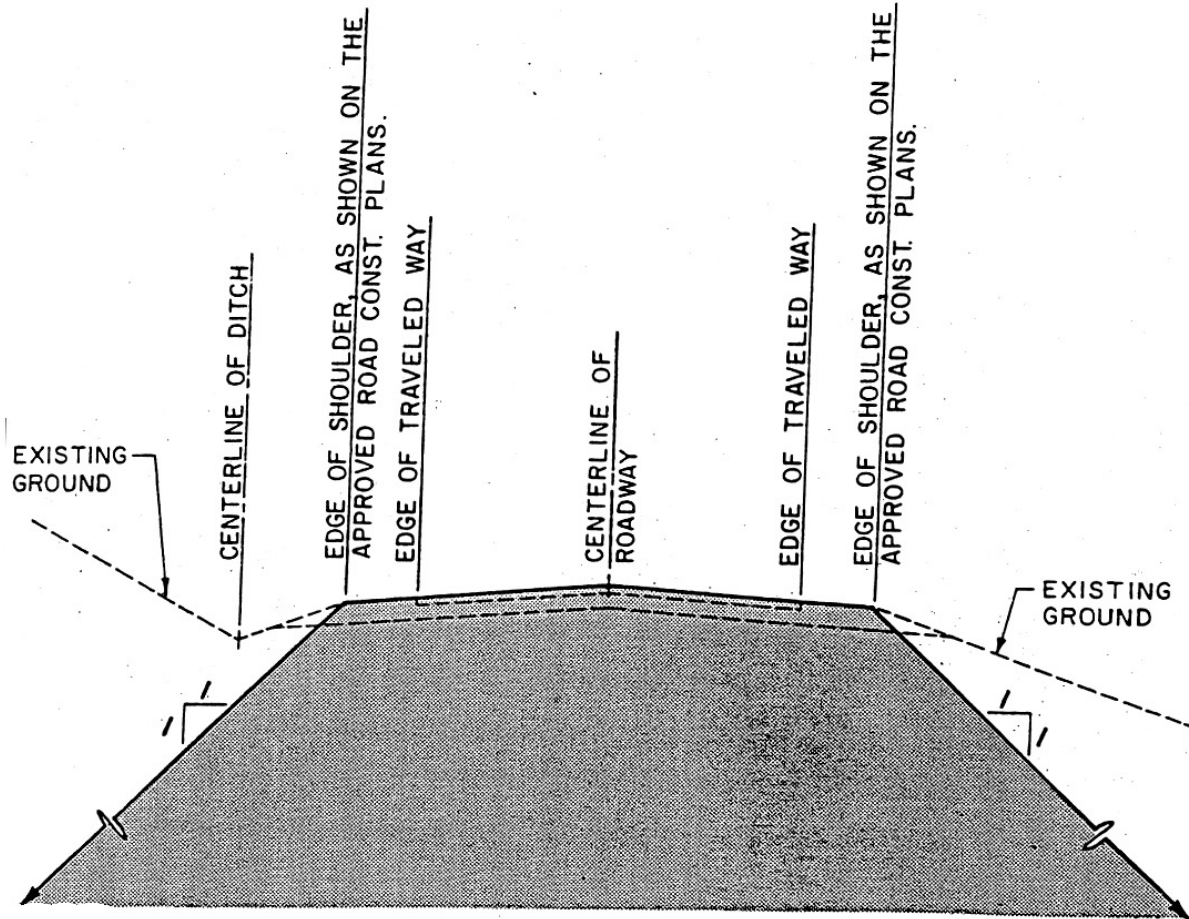
3. Re-treatment of gravel roadways which have received chemical stabilizers or dust palliatives may be required by the Engineer after plowing.
4. Plowing shall not occur within four (4) feet of the edge of any pavement mat.
5. Plowing shall not occur within those roadways which have been treated with a geotechnical fabric when the possibility exists that the plow may come into contact with said fabric.
6. Installations by plowing shall not be subject to the provisions of Section 5.36.04 of these Regulations, except for those portions of the installation where there is open excavation by means other than plowing.

G. Drainage

The applicant shall be responsible for establishing such measures, temporary or permanent, that provide for, or do not impair, the flow of drainage tributary to, or leaving the work site.

- 5.36.11 STANDARD DETAILS
- 5.36.11-1 Roadway Prism
- 5.36.11-2 Excavation Backfill and Restoration

5.36.11-1 ROADWAY PRISM



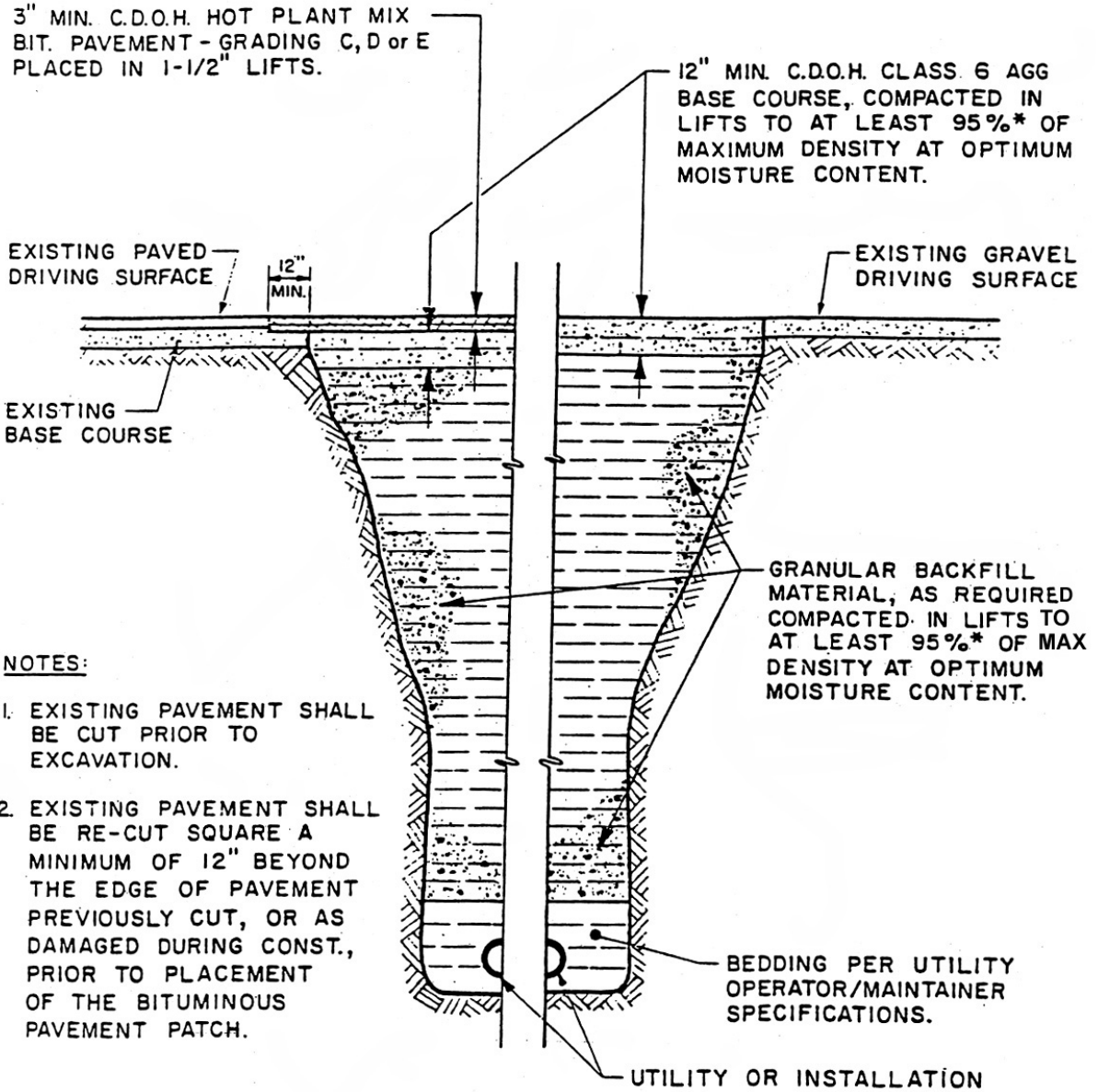
THE ROADWAY PRISM IS THE AREA REPRESENTED BY SHADING FOR BOTH PAVED AND GRAVEL DRIVING SURFACES.

NOTE:

IN THE ABSENCE OF APPROVED ROAD CONST. PLANS THE MINIMUM DIMENSION BETWEEN THE EDGE OF TRAVELED WAY AND THE EDGE OF SHOULDER SHALL BE TWO (2) FEET.

NOT TO SCALE

5.36.11-2 EXCAVATION BACKFILL AND RESOTRATION



NOTES:

1. EXISTING PAVEMENT SHALL BE CUT PRIOR TO EXCAVATION.
2. EXISTING PAVEMENT SHALL BE RE-CUT SQUARE A MINIMUM OF 12" BEYOND THE EDGE OF PAVEMENT PREVIOUSLY CUT, OR AS DAMAGED DURING CONST., PRIOR TO PLACEMENT OF THE BITUMINOUS PAVEMENT PATCH.

* WITHIN ROADWAY PRISM

NOT TO SCALE