



Dickey County Highway Department

dchighwav@nd.gov

Fax: 701-349-3960

Office: 701-349-3326

Permit No. _____

Fee: \$200.00 per crossing

**CONSENT FOR UTILITY COMPANY TO
CROSS A PUBLIC ROAD OR SECTION ROAD**

The undersigned utility identified as, and whose address is:

_____ of _____
(Company) (Address)

hereinafter called the "Applicant", having requested permission from Dickey County, a political subdivision of the State of North Dakota, to cross an existing road or section line with an overhead transmission facility designed to carry or conduct electricity, telephone or cable, or with a buried transmission facility designed to carry or conduct oil, gas, water, electricity, telephone, or any other substance or service whatsoever, and Dickey County having considered the request does grant consent to cross the following described existing road or section line, upon the terms and conditions herein stated:

<u>Crossing ID</u>	<u>Township Name</u>	<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Latitude</u>	<u>Longitude</u>

Use additional sheets as necessary

CHECK TYPE OF UTILITY: ELECTRICITY TELEPHONE OTHER _____
 OVERHEAD UNDERGROUND

PERMIT IS VALID FOR ONE YEAR FROM DATE OF ISSUANCE

ATTACH MAPS, CONSTRUCTION PLANS AND ANY OTHER DOCUMENTS WHEN SUBMITTING YOUR APPLICATION. AT A MINIMUM, ACCEPTABLE PLANS WILL INCLUDE THE METHOD OF CROSSING EXISTING ROADS OR SECTION LINES AND THE SIZE AND MATERIALS TO BE USED.

Consent to cross such existing road(s) or section line(s) is granted on the following terms and conditions:

1. Pay a non-refundable fee of \$200.00 per crossing to Dickey County, which shall be due at the time of submittal of the permit application.
2. Applicant must pay for all damage to the roadways caused by its activities, including but not limited to slumping in of trenches and collapse of pipe; grading and sloping ditches in accordance with regulatory standards; covering and re-seeding any disturbed areas; and repairing or replacing damaged structures and appurtenances.
3. Applicant is responsible for any and all claims for damages, personal injury, or bodily injury that may result from its activities in crossing any existing road or section line in Dickey County. Furthermore, Applicant agrees to indemnify and hold harmless Dickey County for any and all claims for damages, either personal injury or property or any type of claim for damages of any nature whatsoever, whether valid or invalid, that is made against Dickey County on account of the activities conducted by the Applicant in crossing any existing road or section line.
4. When Applicant crosses an existing road or section line, the Applicant shall be responsible to pay for all costs of moving, relocating, or reconstructing its facilities should Dickey County deem it necessary or advisable, in its sole discretion, to repair or reconstruct existing roads or to build new roads on section lines or off section lines as permitted by North Dakota law. Should Applicant fail to take necessary steps to relocate or reconstruct its facilities, Dickey County may take steps to have the same accomplished, and Applicant agrees to reimburse Dickey County for all expenses incurred by the County in moving, relocating or reconstructing the Applicant's facilities so the existing roads may be repaired or reconstructed or new roads may be built on the section line or off the section line as permitted by North Dakota law.
5. Installation, maintenance, relocation and removal of Applicant's facilities in, on, under or over the County's right-of-way shall be done in a manner satisfactory to and subject to supervision of pertinent County representatives. Furthermore, Applicant's facilities to be installed shall at a minimum comply with the following standards:
 - a. No associated work shall commence prior to obtaining this permit.
 - b. Applicant shall contact North Dakota One Call any time it is required to do so by N.D.C.C. Chapter 49-23.
 - c. For buried facilities, the following shall specifically apply:
 - i. No open-cut trenching of county roads is permitted unless otherwise approved.
 - ii. County paved roads or county roads treated with road stabilization materials may only be bored.
 - iii. All crossings of existing roads that are not being trenched shall be bored to a minimum depth of forty-two (42) inches.
 - iv. Pipe shall be cased or heavy wall pipe used.

- v. All parallel borings must be a minimum of sixty-six (66) feet from the road centerline.
 - vi. All above-ground facilities associated with the crossing must be outside of existing right-of-way lines or sixty-six (66) feet from the road centerline, whichever is greater.
 - vii. Above ground features shall be located a minimum of sixty-six (66) feet from the road centerline.
- d. For overhead facilities, the following shall specifically apply:
- i. Minimum crossing height shall comply with the standards set forth by the National Electrical Safety Code and shall take into account the appropriate maximum sag conditions for the specific voltage size of the line Applicant proposes to use. However, in no event shall the minimum crossing height with maximum sag accounted for be less than twenty (20) feet over the center of the road to be crossed.
- e. All disturbed ground within right-of-way must be rehabilitated by covering with topsoil and re-seeded with a County approved seed mixture.
- f. Applicant's construction plan to be filed with the County must show at a minimum, in plan view and cross-sectional view, the location of each crossing from a section or quarter line; section, township, and range each crossing is location in; the location of all above-ground facilities in proximity to each crossing; and the angle of each crossing. If the activity will disrupt normal traffic and or functionality of the roadway, Applicant must also submit a traffic safety plan per MUTCD specifications.
- g. Wetlands: Applicant shall certify that no wetlands will be impacted by the project. If wetlands are impacted, Applicant shall coordinate with all applicable permitting entities including the Army Corps of Engineers (USACE), North Dakota Regulatory Office, to determine if a permit is required or mitigation is necessary. Certification of avoidance, a wetland delineation, or a permit (if required) from USACE shall be submitted with the permit application.
- h. Applicant is responsible for complying with all local, state and federal laws regarding the protection of threatened and endangered species, migratory birds, and cultural resources within the permit application area.
- i. When permission is specifically granted by Dickey County for a crossing to be trenched or plowed, the trenching or plowing may be no more than eight (8) inches in width. Applicant will apply surfacing materials and compaction efforts that match the surrounding existing conditions. Applicant shall be responsible for maintenance of all such crossings for a period of no less than three (3) years, with the requirement that they repair during those three (3) years any damages to the road resulting from their activity. Any crossing that cannot be accomplished with this method must be bored.
6. Applicant agrees that the County's review of Applicant's plans shall be solely for the purposes stated herein and not for the benefit of Applicant or any third party and shall not be deemed to mean that Applicant's design and construction is structurally sound and appropriate or meets applicable local, state, or federal regulations, laws, codes, or industry standards (collectively, "Requirements"). Applicant affirms that it has taken all actions necessary and required for the construction, operation, and maintenance of their facilities authorized herein, including compliance with all Requirements.
7. Applicant must comply with all conditions stated herein, as well all applicable local, state and federal laws, specifically including those set forth by the National Electrical Safety Code and Pipeline and Hazardous Materials Safety Administration.

8. Failure to comply with this **CONDITIONAL PERMIT** shall result in the County's consent and this permit being rescinded, requiring Applicant to immediately remove its facilities from the County right-of-way or be responsible for the costs incurred by Dickey County in removing the same.

I, the undersigned, being an authorized agent of the "Applicant" described above, do hereby agree on behalf of Applicant that all terms and conditions herein will be complied with, and that any assignment of Applicant's facilities described herein shall include an assignment of Applicant's liability and obligation to comply with the terms and conditions of this permit.

Dated this ____ day of _____, 20____.

Authorized Agent of Applicant – Printed Name and Signature

Mailing Address, Email Address and Telephone Number

For County Use Only:

Permit approved as submitted.

Permit approved with the following modifications: _____

Permit denied because: _____

Permission granted by Dickey County, a political subdivision of the State of North Dakota, for the installation of the proposed facilities pursuant to the conditions and limitations set forth herein. Dated this ____ day of _____, 20____.

(Authorized Representative for Dickey County)

The issuance of this permit is valid for one year from the approved date. If the project exceeds one year, the Company must reapply for a new permit. The Company MUST comply with all local, state and federal laws.