

**APPLICATION/PERMIT TO WORK WITHIN HIGHWAY RIGHT-OF-WAY
BROWN COUNTY PUBLIC WORKS DEPARTMENT**

2198 GLENDALE AVENUE
GREEN BAY, WISCONSIN 54303

PH: (920) 492-4925

BC_PUBLIC_WORKS_HIGHWAY_ENGINEERING@BROWNCOUNTYWI.GOV

Applicant/Company: _____
 Address: _____
 Office Phone: _____
 Applicant Contact: _____
 Phone: _____
 Preparer's Name: _____
 Company: _____
 Phone: _____

APPLICANT LOCATION INFORMATION	
Highway(s):	_____
Town/Village/City of:	_____
Town/Village/City Approval:	<input type="checkbox"/> Yes <input type="checkbox"/> None required
ADDITIONAL INFORMATION	
Utility Work Order #	_____
Fee Required?	<input type="checkbox"/> Yes <input type="checkbox"/> No Total Amount Due \$ _____
	<input type="checkbox"/> Invoice <input type="checkbox"/> Fee Enclosed

NOTE: As part of this permit, the applicant MUST attach a drawing/plan which shows all existing utilities in the area with the proposed utility highlighted or color-coded. The drawing/plan shall provide distances to each utility from the road centerline, road edge – back of curb and from the right-of-way line. The distances from the nearest intersection to the start/end of the project shall also be indicated. If the information is not provided, expect delays or the return of the application.

DESCRIPTION OF PROPOSED WORK (Check and fill out all that apply)

UTILITY TYPE: Electric Gas/Petroleum Communications Water Sanitary Sewer Private line
 Transmission Distribution Service **Facility Size/Capacity:** _____
(diameter, # fibers, psi, Kv, etc.)

ORIENTATION: Overhead Underground Parallel to hwy centerline Hwy crossing Bridge attachment Tunnel

WORK TYPE: New construction Improve/repair existing Maintenance Removal Abandon in place

CONST. METHOD(S): Plow (Depth: _____) Trench (Depth: _____) Bore (Depth: _____) Cased
 Suspend-poles/towers Open cut highway Tree cutting/removal Chemical treatment of trees/brush

Description of Work: _____

Estimated Starting Date: _____ Estimated Completion/Restoration Date: _____

The Applicant understands and agrees that the permitted work shall comply with all permit provisions and conditions of the Utility Accommodation Policy of the above-named county in effect at the time of this application, and with any special provisions listed below or attached hereto, and any and all plans, details, or notes attached hereto and made a part thereof.

By: _____ (Signature of Applicant/Company Authorized Representative) _____ (Title) _____ (Date)

(Typed/Printed Name of Person Signing Above or Electronic Signature Code)

DO NOT WRITE BELOW THIS LINE

PERMIT APPROVAL BY PERMITTING AUTHORITY

The foregoing application is hereby approved and permit issued by the Permit Authority subject to full compliance by the Applicant with all provisions and conditions stated in the Utility Accommodation Policy of the above-named county including the Indemnification as included in 96.03 of the Wisconsin County Highway Association Utility Accommodation Policy in effect on the date of this application.

Supplemental Provisions Attached: Yes No

By: _____
 (Authorized Representative for County)
 _____ (Title) _____ (Date)

INVOICED:	<input type="checkbox"/> Yes <input type="checkbox"/> No
FEE RECEIVED:	\$ _____
CHECK #: _____	RECEIPT #: _____
DATE ISSUED:	_____
HWY PROJECT #:	_____
PERMIT NUMBER:	_____

BROWN COUNTY PUBLIC WORKS DEPARTMENT
SPECIAL PERMIT PROVISIONS &
CONDITIONS OF APPROVAL

Revised February 7, 2018

1. Permit Fees:
 - A. Work Within Highway Right of Way Permit (per roadway segment project) \$75.00/roadway
 - B. Roadway Open Cut \$750.00/cut
 - C. Municipalities performing utility work (sanitary sewer, storm sewer, water) are exempt from permit fees, provided the jurisdictional municipality agrees to and signs a FIVE YEAR WARRANTY AGREEMENT (see #13).
2. If a utility company is requesting/applying to place a utility, or work on its existing utility within Brown County right-of-way, a Work Within the Right-of-Way Permit is required. The owner and/or authorized representative of the utility are required to apply for the permit. In addition, the owner and/or authorized representative of the utility must have an approved permit from the municipality which the work will take place. All conditions shown on the approved municipal permit shall also be a condition of this permit.
3. The Permittee is responsible for obtaining any permits from the Department of Natural Resources, local municipality or any other agency that may have an interest in the area impacted by the construction of the Applicant/ utility facility.
4. If the utility work is within 350 feet of any signalized intersection, you **MUST** call the Brown County Public Works Department, (920-492-4925) for locates.
5. All operations shall be performed without obstructing or closing all or any part of any highway traffic lane unless lane-influence is specifically sanctioned by the Department, and special controls applicable thereto are set forth herein. Unless otherwise authorized, unobstructed traffic shall be maintained on all constructed highway lanes.
6. Where construction will impede normal traffic flow, shall have attached a traffic control plan in accordance with “Wisconsin Manual on Uniform Traffic Control Devices” (MUTCD), Chapter 6, indicating placement & spacing of all construction signs applicable to the work being carried out shall also be submitted for review and approval.
7. Roadway Construction Lanes are to comply with Wis. Stats. 346.51-1-(A). An unobstructed width of at least 15 feet upon the roadway of such highway must be left opposite such standing vehicle for the free passage of other vehicles.
8. All Utilities and or owners must have a permit and the permit shall be in the possession (On site) of the utility’s work force, consultant, contractor, or subcontractor at all times when utility work is being performed within the right-of-way.
9. Work time restrictions. Weekday work is from sunrise to sunset. Weekend work may be allowed upon prior approval from the Department. No work shall take place during nighttime hours unless authorized by the Department.
10. All Public Works facilities, both above and below ground, including the roadway pavement, shoulders, ditches, culverts, slopes, signs, traffic signals, etc., damaged or disturbed by the permitted utility work shall be restored promptly. Damage to any portion of an asphalt paved travel lane will require the replacement of the entire travel lane, or as approved by the Department. Replacement of concrete pavement will be reviewed and approved by the Department prior to the utility work beginning.
11. Unless otherwise authorized, any utility lines installed across, and beneath, the traveled way(s) and shoulders of hard surfaced county roads, shall be installed by boring, with no open cut excavation permitted between points no less than 5 feet outside the outer shoulder or back-of-curb.
12. Under unusual conditions, the Department can allow the applicant, as part of this permit, to open cut and excavate the roadway pavement. Any excavation authorized within the limits of any county highway pavement or shoulder area shall be backfilled using WisDOT Standard Specification Section 209, Granular Backfill. Water flooding and the use of moisture in excess of necessity to facilitate mechanical compaction are expressly prohibited.
13. Trenched construction in the roadway pavement and shoulders requires an additional permit fee of \$750, and a “Five-Year Warranty Agreement” stating that the applicant will be responsible for maintenance and repair costs of any open cut trench failure over a 5-year period after project completion. (See sheet “FIVE YEAR WARRANTY AGREEMENT”)
14. Open cuts in Highways: Before opening the road to traffic the applicant/contractor must construct and restore the road to its original condition, or as a temporary fix a minimum of 4 inches of cold patch shall be leveled and compacted to the adjacent road surfaces. No open cut areas shall be opened to traffic in gravel.

15. Any subsequent heaving, settlements, or other faulty attributable to the permitted work shall be repaired in a manner satisfactory to the Department, at the applicant's expense. All excavation within the roadway pavement shall be initiated by saw cuts and restored to original condition and cross-section.
16. Operations and safety precautions pertinent to any trenching, tunneling, or excavation activities shall comply with the strictest requirements of all applicable regulations and codes, but not limited to those of the Wisconsin Department of Industry, Labor and Human Relations or OSHA standards.
17. The applicant is responsible to ensure that the site of the construction is secure against any hazard to the public, both when the site is attended, and during off hours, any holiday, and the hours of night when the site is unattended.
18. The Permittee shall restore the Right-of-way to its previous condition. If restoration is not carried out in a timely manner, the Department may issue a notice setting forth a time frame, by which the restoration must be completed. If the permit applicant fails to satisfactorily complete all restorations within the time established, the Department will arrange directly for all necessary restorations, and all costs associated with such restorations shall be the cost obligation of the permit applicant. The applicant agrees to pay any, and all, such costs within 60 calendar days of the Department billing.
19. Each Use of "Right-of-Way Permit Application" shall contain adequate construction drawings & cross-sections 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 all existing utility facilities shall be shown. The details shall include dimensions from the proposed utility installation to the centerline of the roadway and to the commonly accepted right of way line and also the edge of the traveled way in rural areas and back of curb in urban areas; the proposed line depth shall also be stated on the drawings. The existing utilities are to be located on the drawing and dimensioned in the same manner as stated above. Detail drawing/cross sections shall show buried lines and or if applicable overhead clearance is required.
20. All utility permit applications must include an attached legible map indicating the specific location of the Utility project showing a distance from the nearest intersect to the project.
21. On Department projects where utilities above and or below ground will need to be relocated to accommodate a new road profile, signalized intersections, and or for safety issues, it shall be the owner/utility to bare all cost of said relocation. The relocation of the utility shall be in a timely manner and shall be coordinated with the Department project. Note: Owner/Utility shall also obtain a permit from the Department for such relocation projects.
22. Individual permits must be applied for on **each** county highway where the utility work will be carried out. At intersections of two (2) county highways, where utility work on the intersection roadway is no greater than 350 feet from the adjoining roadway, only one (1) permit application will be required
23. The depth the underground facilities within the right-of-way shall be a minimum of 30 inches as measured from the finished ground surface to top of the facility. The depth of the underground facilities crossing the highway shall be a minimum of 48 inches as measured from a straight line connecting the lowest points of the finished pavement surface on each side of the road way to the top of the facility.
24. In addition to the clear zone requirements contained in the Wisconsin County Highway Association Utility Accommodation Policy, new utilities are restricted from being located within the "restricted signing zone." On rural highways (roadways not containing curb and gutter facilities), the restricted signing zone is located from the edge of the travel way to a point being 14 feet from the edge of the travel way. (See attached sheet – RESTRICTED SIGN ZONE-RURAL). On urban highways (roadways containing curb & gutter facilities), the restricted signing zone is located from 0 to 10 feet from the back-of-curb. (See attached sheet – STANDARD URBAN CTH SECTION). A utility may be located within the restricted signing zone so long as it is located at least at a minimum depth of six (6) feet as measured from finished ground surface to the top of the facility. Exceptions may be granted to the provisions of this Section in extraordinary circumstances, as determined by the Department within its sole discretion.
25. Buildings, cabinets, and any other above-ground structures that have foundations are not to be located within the highway right-of-way. Manholes should not be located in the pavement.
26. Manholes that fall in the shoulder area of a highway the applicant/owner shall be responsible for paving the shoulder 10 feet on each side of the manhole at the appropriate shoulder grade.
27. Any facility installed by the applicant or its contractors shall be located in the location as shown on the approved permit. If the facility is discovered in an **unacceptable** location, the applicant shall relocate the facility in the permitted location at the applicant's expense.
28. The applicant shall not remove any highway sign(s) without prior Department approval.

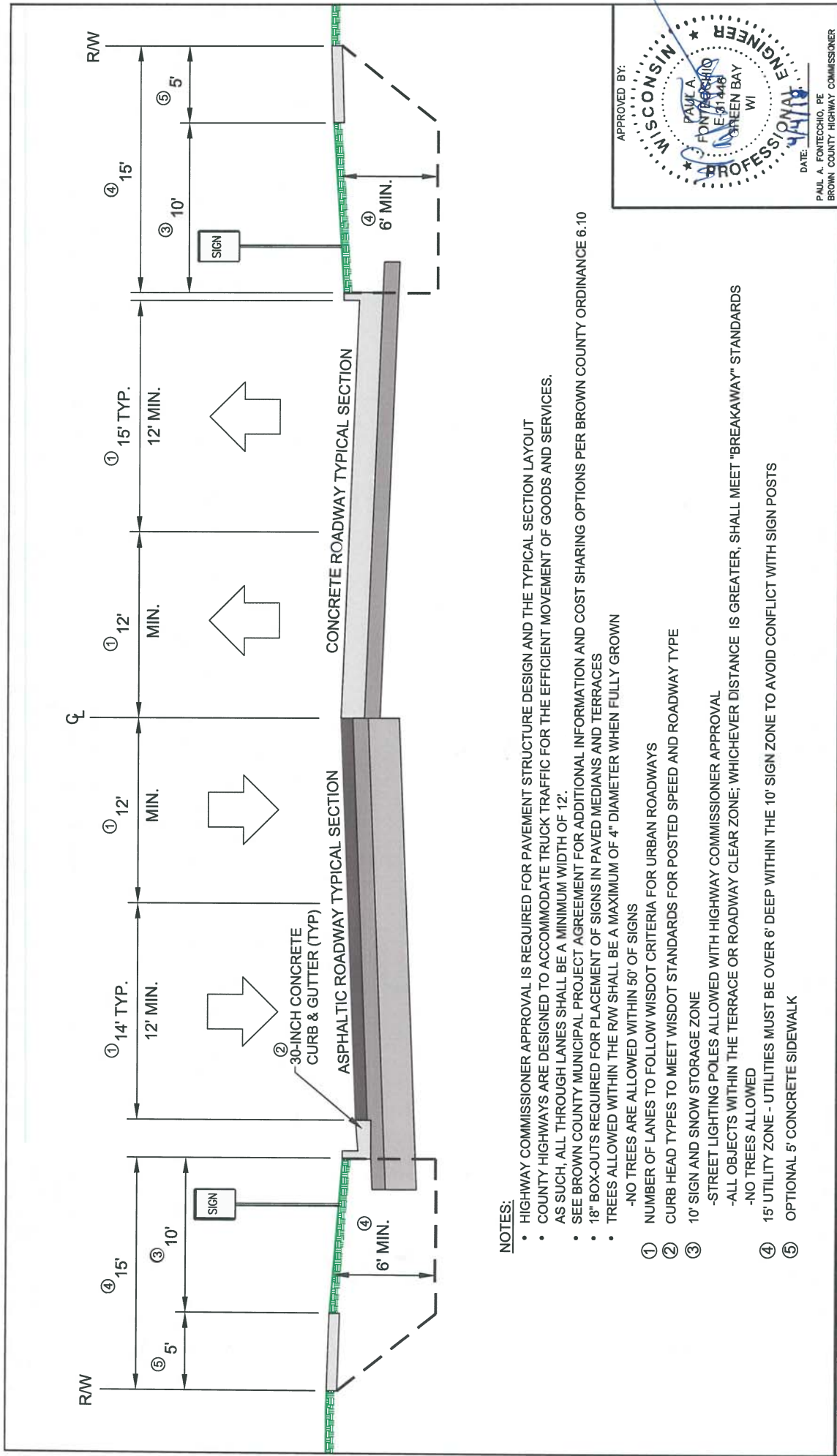
29. For the purpose of this permit, a “private utility” is defined as a facility that conveys or transmits the commodities defined by “utility” (see Wisconsin County Highway Association Utility Accommodation Policy for the definition of “utility”), but are owned, operated and maintained by an individual(s) or a non-utility business, devoted exclusively to the owner’s use and typically not accessible to the public. The portion of sewer and water laterals within Brown County managed right- of- way are regarded as extensions of the main, and therefore are public utilities even though primary owners require them to be privately owned and maintained. Utilities that are not municipally owned and are not regulated by the Public Service Commission of Wisconsin (PSC) or Federal Energy Regulatory Commission (FERC) are presumed to be private utilities.

The conditions of this permit apply to the private utility owner and its entities, successors, assigns, agents and contractors. A copy of the permit must be recorded by the owner of the private utility with the Brown County Register of Deeds prior to installation of the utility otherwise authorized under this permit.

Longitudinal installations of private utility facilities are not permitted within County right- of- way. However, exceptions may be allowed if the Department determines that proposed occupancy or use of the County right-of-way is in the public interest and will not impair the highway or interfere with the free and safe flow of the traveling public. Any determination made pursuant to this Section will be made in the Department’s sole discretion and will be described in the section entitled “Other Special Conditions” of this Permit. If a private utility is allowed within County right-of-way, a permit fee of up to \$10,000 per mile may be charged in the Department’s sole and reasonable discretion.

All private utility facilities shall follow the requirements of this Permit and the Wisconsin County Highway Association Utility Accommodation Policy, and shall be designed, constructed, operated and maintained as described in the specific policies for communications, electric, fluid or gas lines, whichever more closely resembles the facility.

30. If utilities are located or to be located in a new road or bridge construction project area and the utility causes delays in the project, it shall be the utility companies responsible for all cost incurred for such delays to the Department and or its Contractors.
31. This permit is subject to the attached drawings, these supplemental provisions, and the Departments new supplemental provisions may be added, or the existing ones deleted or amended in the future as different issues arise during the installation, operation and maintenance of the permittee facilities.
32. Department reserves the right to revoke and or nullify any permit(s) for any reason it sees fit and or which is stated under policy 96.07 of the Wisconsin County Highway Association Utility Accommodation Policy.
33. Applicant/permittee, successors, assignees agree to hold Brown county, its agents and employees harmless against any action for personal injury or property damage sustained by reason or exercise of this permit.
34. Other Special Conditions – **The following conditions are contingent on this permit:**



APPROVED BY:

DATE: 4/4/2018

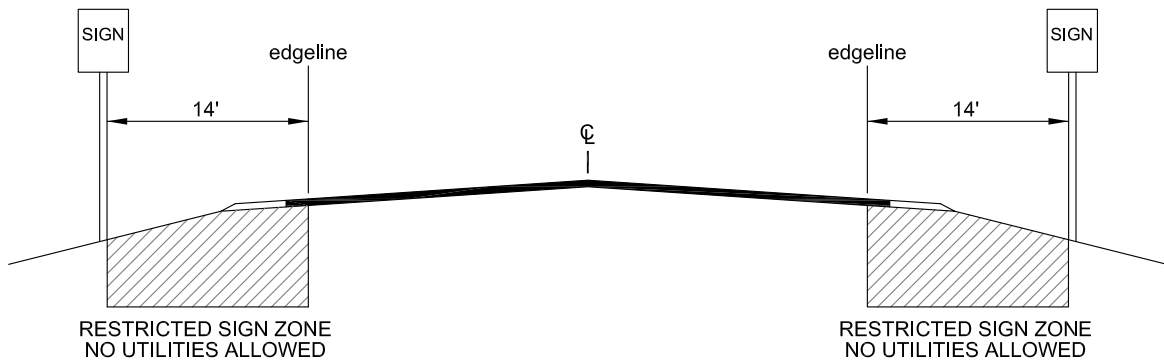
PAUL A. FONTECCHIO, PE
BROWN COUNTY HIGHWAY COMMISSIONER

NOTES:

- HIGHWAY COMMISSIONER APPROVAL IS REQUIRED FOR PAVEMENT STRUCTURE DESIGN AND THE TYPICAL SECTION LAYOUT
- COUNTY HIGHWAYS ARE DESIGNED TO ACCOMMODATE TRUCK TRAFFIC FOR THE EFFICIENT MOVEMENT OF GOODS AND SERVICES. AS SUCH, ALL THROUGH LANES SHALL BE A MINIMUM WIDTH OF 12'.
- SEE BROWN COUNTY MUNICIPAL PROJECT AGREEMENT FOR ADDITIONAL INFORMATION AND COST SHARING OPTIONS PER BROWN COUNTY ORDINANCE 6.10
- 18" BOX-OUTS REQUIRED FOR PLACEMENT OF SIGNS IN PAVED MEDIANS AND TERRACES
- TREES ALLOWED WITHIN THE RW SHALL BE A MAXIMUM OF 4" DIAMETER WHEN FULLY GROWN
 - NO TREES ARE ALLOWED WITHIN 50' OF SIGNS
- ① NUMBER OF LANES TO FOLLOW WISDOT CRITERIA FOR URBAN ROADWAYS
- ② CURB HEAD TYPES TO MEET WISDOT STANDARDS FOR POSTED SPEED AND ROADWAY TYPE
- ③ 10' SIGN AND SNOW STORAGE ZONE
 - STREET LIGHTING POLES ALLOWED WITH HIGHWAY COMMISSIONER APPROVAL
 - ALL OBJECTS WITHIN THE TERRACE OR ROADWAY CLEAR ZONE; WHICHEVER DISTANCE IS GREATER, SHALL MEET "BREAKAWAY" STANDARDS
 - NO TREES ALLOWED
- ④ 15' UTILITY ZONE - UTILITIES MUST BE OVER 6' DEEP WITHIN THE 10' SIGN ZONE TO AVOID CONFLICT WITH SIGN POSTS
- ⑤ OPTIONAL 5' CONCRETE SIDEWALK

<p>BROWN COUNTY PUBLIC WORKS DEPARTMENT</p>	<p>STANDARD URBAN CTH SECTION</p>	<p>CREATED: 10/31/2017</p> <p>REVISED: 4/4/2018</p>
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RESTRICTED SIGN ZONE - RURAL



**BROWN COUNTY
PUBLIC WORKS DEPARTMENT**

FIVE-YEAR WARRANTY AGREEMENT
(For Open Cut Requests)

TO:

BROWN COUNTY PUBLIC WORKS DEPARTMENT
2198 Glendale Avenue
Green Bay, WI 54303
Phone #: (920) 492-4925
Fax #: (920) 434-4576
BC_PUBLIC_WORKS_HIGHWAY_ENGINEERING@CO.BROWN.WI.US

FROM:

Company Name: _____
Address: _____

Contact Person: _____
Phone Number: _____ Fax Number: _____
Permit Number: _____ Project Number: _____
County Highway Where Utility Work Was Performed: _____
Project Description: _____

As the authorized representative of the above-listed company, I hereby agree to accept the financial responsibility for the maintenance of the designated open-cut associated with the project on or along the above-mentioned county trunk highway, for the period of five (5) years, from the restoration/final acceptance date of the project.

In emergency situations, or if Brown County notifies you of a maintenance problem, and it is not resolved in a timely manner, the Brown County Public Works Department will perform the maintenance on the project and all costs would then be billed to the responsible party(ies).

I hereby accept the terms and conditions of this agreement:

(Signature of Company Authorized Representative) _____
(Date)

(Printed Name) _____
(Title)