

MASON COUNTY
ORDINANCE NO. 3-93

ACCOMMODATION OF UTILITIES ON COUNTY ROAD RIGHT OF WAY

Effective Date: January 5, 1993

BE IT ORDAINED BY the Board of Mason County Commissioners, as follows:

1. **PURPOSE**

The purpose of this Ordinance is to establish a county policy to provide administrative and procedural guidance needed to accommodate the installation and relocation of all above and below ground utilities which are located within the county road right-of-way. This Ordinance shall supersede Ordinance 232 adopted by Board of County Commissioners' action April 17, 1972.

2. **APPLICATION**

This policy shall apply to all new franchises and permits issued pursuant to RCW 80.32.010, RCW 80.36.040 and RCW 36.55, to all public and private utilities, and to all installation and relocation of utilities within the county road right-of-way, including but not limited to electric power, telephone, television, telegraph, communication, water, gas, all petroleum products, steam, chemicals, sewage, drainage, irrigation, and similar pipes, lines or cables.

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

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

3. **DEFINITION OF TERMS**

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

- a. Appurtenance - Equipment and/or accessories which are a necessary part of an operating utility system or subsystem.
- b. Backfill - replacement of excavated material with suitable material compacted as specified.
- c. Boring - Grade and alignment-controlled mechanical or other method of installing a pipe or casing under a road without disturbing the surrounding medium.
- d. Carrier - pipe directly enclosing a transmitted fluid or gas.

- e. Casing - a larger pipe enclosing a carrier for the purpose of providing structural or other protection to the carrier and/or to allow for carrier replacement without re-excavation, jacking or boring.
- f. Coating - protective material applied to the exterior of a pipe or conduit to prevent or reduce abrasion and/or corrosion damage.
- g. Conduit - an enclosed tubular runway for protecting wires or cables.
- h. Cover - depth to top of pipe, conduit, casing or gallery below the grade of a road or ditch.
- i. Drain - appurtenances to discharge accumulated liquids from casings or other enclosures.
- j. Encasement - structural element surrounding a pipe or conduit for the purpose of preventing future physical damage to the pipe or conduit.
- k. Franchise - occupancy and use document granted by the county required for occupancy of road rights of way in accordance with RCW 36.55 and RCW 80.32.
- l. Gallery - underpass for two or more utility lines.
- m. Manhole - an opening in an underground utility system into which workers or others may enter for the purpose of making installations, inspections, repairs, connections, cleaning, and testing.
- n. Pavement - the combination of sub-base, base course, and surfacing placed on a subgrade to support the traffic load and distribute it to the subgrade.
- o. Permit - a document issued under the authority of (1) the County Engineer (or Public Works Director) and/or (2) a franchise granted by the County's legislative authority. The permit provides specific requirements and conditions for specific utility work at specific locations within the right of way.
- p. Pipe - a structural tubular product designed, tested, and produced for the transmittance of specific liquids and gases under specific conditions.
- q. Plowing - direct burial of utility lines by means of a 'plow' type mechanism which breaks the ground, places the utility line at a predetermined depth, and closes the break in the ground.

- r. Pressure - internal gage pressure in a pipe in pounds per square inch, gage (psig).
- s. Private Lines - privately owned, operated and maintained utility facilities devoted exclusively to the use of the owner.
- t. Relocation - Planned change of location of an existing facility to a more advantageous place without changing the character or general physical nature of the facility.
- u. Replacement - Installation of a like element of a utility system or subsystem in the same or near-same physical location normally due to damage, wear or obsolescence of the element.
- v. Restoration - all work necessary to replace, repair or otherwise restore the right of way and all features contained within to the same or equal condition as before any change or construction thereto.
- w. Right-of-Way - a general term denoting public land, property, or interest therein, usually in a strip, acquired for or devoted to transportation or secondary purposes.
- x. Road (or Roadway) - a general term denoting a street, road or other public way, including shoulders, designated for the purpose of vehicular traffic.
- y. Sleeve - short casing through a pier, wall or abutment of a highway structure.
- z. Traffic Control - those activities necessary to safeguard the general public, as well as all workers, during the construction and maintenance of utility facilities within the right of way.
- aa. Trenched - installation of a utility in an open excavation.
- bb. Untrenched - installation of a utility without breaking the ground or pavement surface such as by jacking or boring.
- cc. Vent - appurtenance to discharge gaseous contaminants from casings or other enclosures.

4.

GENERAL CONDITIONS AND REQUIREMENTS

A. LOCATION

- (1) Utility installations shall be located to minimize need for later adjustment to accommodate future roadway improvements and to permit access to servicing such installations with minimum interference to roadway traffic. Counties shall make available to utilities a copy of their six-year transportation improvement program (or capital facilities and transportation plan where required,) in order to minimize both utility customer and road user inconvenience should future road improvements (on existing or new alignment) require adjustment or relocating of the utility facilities. Said utilities shall, within the limits of standard business practice, make available appropriate short and long range development plans to the county.
- (2) Unless otherwise approved by the county, all above-ground utilities and their appurtenances as well as all above-ground appurtenances of below-ground utilities that may constitute a roadside obstacle for traffic using the road shall be located as close as practicable to the edge of the right-of-way line. If an appurtenance within the right-of-way would constitute an unacceptable roadside obstacle, said obstacle may be (at owner's expense):
 - (a) relocated to another place within the right-of-way,
 - (b) converted to a break-away design,
 - (c) crash-protected, or
 - (d) relocated to another location off the road right-of-way.
- (3) Installations that are required for a road purpose, such as street lighting or traffic signals, are to be located and designed in accordance with this policy.
- (4) Where existing facilities are in place, new facilities shall be compatible with the existing installations and conform to this policy as nearly as practicable.

B. DESIGN - GENERAL

- (1) The utility shall be responsible for the design of the utility facility being proposed. This responsibility shall include, in addition to the integrity of the proposed utility facility, provisions for public safety during the course of construction, as well as consideration of traffic safety and accident potential for the life of the installation.

- (2) For work requiring application to the county, the county may review and approve the utility's plans with respect to:
 - (a) location,
 - (b) the manner in which the utility facility is to be installed,
 - (c) measures to be taken to preserve safe and free flow of traffic,
 - (d) structural integrity of the roadway, bridge, or other structure,
 - (e) ease of future road maintenance, and appearance of the roadway.
- (3) Provision shall be made for known or planned expansion of the utility facilities, particularly those located underground or attached to bridges or other structures within the right of way.
- (4) Granting of a franchise or permit shall not imply or be construed to mean the county shall be responsible for the design, construction, or operation of the facility or for public safety during the facility's installation, operation, or maintenance.

C. STANDARDS AND CODES

All utility installations shall be designed in accordance with the standards, codes and regulations applicable to the type of utility. The methods of installation and materials used shall conform to the codes and standards promulgated by government and by the industry. This shall also include any road design standards which the county shall deem necessary to provide adequate protection to the road, its safe operation, appearance and maintenance.

D. ADJUSTMENT AND RELOCATION OF EXISTING FACILITIES

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

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

5. PERMITS

A. GENERAL REQUIREMENTS

For work not authorized by franchise, comprehensive plan, or other agreement, a written permit, to be known as the "Utility Permit", will be required for occupancy of road right-of-way by all utility facilities, including private lines, EXCEPT 1) aerial wires, 2) guys and appurtenances, 3) Main line aerial extensions less than 500 feet, and 4) normal maintenance. Permit applications shall be submitted in writing to the Mason County Engineer on forms provided by that office. Installation of utilities will not be undertaken until after receipt of the returned, approved permit and notification is made to the Engineer indicating when work will commence. In emergencies only, permission may be granted by the Engineer for commencement of work prior to receipt by the utility of the approved permit. The provisions of this chapter shall apply only to utilities installed on or under properties owned or controlled by Mason County and properties that will be dedicated to the County for road rights-of-way. No facility shall be used for other than the purpose stated, unless written approval is granted by the county.

B. SPECIFIC REQUIREMENTS

When required, permit applications shall be submitted in a standard format as prescribed by the county. The permit application shall include the following information:

- (1) Agreement to all pertinent provisions of this policy and to such special conditions as the county may deem appropriate.
- (2) Description of the facilities to be installed.
- (3) Adequate exhibits depicting existing or proposed location of the facility in relation to the road, including right-of-way or easement lines; relationship to currently planned road revisions, if applicable; and all locations and situations for which deviations in depth of cover (including the proposed method of protection) or other locational standards are anticipated.

C. PERMIT FEES

In order to offset the costs of administering the Policy for Accommodation of Utilities on County Road Right-of-Way, including the orderly recording and maintenance of records of utilities, the schedule of costs to be borne by the applicant is hereby adopted as follows:

COSTS: (1) The applicant shall pay the reasonable cost to Mason County for investigating, handling and granting the franchise or permit, including basic overhead charges upon the application as follows:

For each new franchise	\$ 250.00
For renewal of franchise	10.00
For amendment of franchise	20.00
For assignment of franchise	10.00
For each permit	10.00

together with an additional charge in the amount of expenses, if any, actually incurred by the County in investigation of the application; provided that no charge will be made for applications for franchise or permit where the applicant is the United States or any of its agencies, or a utility anticipating relocation from its private easement acquired or to be acquired by the County for construction or reconstruction of a county road.

(2) The applicant shall pay an additional cost charge for inspection and recording of underground utilities based on the lineal footage of underground utility to be installed; this charge shall be calculated as follows:

- a. Three cents (3¢) for each foot to and including 1,000 feet
- b. One cent (1¢) for each additional foot over 1,000 feet to and including 10,000 feet.
- c. One-half cent (½¢) for each additional foot over 10,000 feet.

- (3) An equitable portion of the added costs of design and construction of highway structures which may be required to accommodate utilities shall be charged to any utility company for any necessary relocation of its facilities and/or to any utility company making new installations.
- (4) Before any construction work is started, a surety bond in an amount required by the Board, but not less than \$500.00, written by a surety company authorized to do business in the State of Washington may be required to insure completion of construction, including the restoration of surfacing, slopes, slope treatment, top soil, landscape treatment, drainage facilities and cleanup of right-of-way for a period ending not more than one (1) year after date of completion. A blanket surety bond may be maintained covering multiple franchise or permits in lieu of individual bonds at the Board's discretion. A blanket surety bond shall be in an amount required by the Board but not less than \$5,000.00. Bond will not be required of the United States Government or any of its agencies or of any municipal corporation or department of the State of Washington and its local subdivisions.

In the event two or more utilities are to occupy a common trench, a basic permit fee will be required for each such utility, but only one inspection fee will be charged.

All monies shall be paid to the Mason County Road Fund and no part shall be refundable.

6. **SPECIFIC REQUIREMENTS - UNDERGROUND UTILITIES**

A. **UNDERGROUND UTILITIES - LOCATION AND ALIGNMENT**

- (1) For all crossings, the angle of crossing should be as near a right angle to the road centerline as practicable. However, lesser angles may be permitted based upon economic considerations of practical alternatives.
- (2) Where practicable, crossings should avoid deep cuts, footings of bridges and retaining walls, or locations where highway drainage would be affected.

- (3) Longitudinal installations should run parallel to the roadway and lie as near as practicable to the right-of-way line. Installations which cannot be so installed will be allowed within the right of way, provided that:
 - a. The installation will not adversely affect the design, construction, stability, structural integrity, traffic safety, or operation of the road facility; or
 - b. Failure to allow such installation will create an undue hardship or financial burden upon the utility.
- (4) Where irregularly shaped portions of the right of way extend beyond the normal right of way limits, a uniform alignment of facilities shall be allowed.

B. UNDERGROUND UTILITIES - COVER

- 1) The grade of and resulting cover for an underground utility shall be a minimum of 30 inches for all installations within County right-of-ways, or in compliance with applicable federal, state and industry requirements if greater.
- 2) Where less than the minimum cover is made necessary to avoid obstacles, the utility shall either be rerouted or protected with a casing, concrete slab or other method acceptable to the County.

C. UNDERGROUND UTILITIES - ENCASEMENT

- (1) Casings shall be installed for roadway crossings where required by appropriate industry code.
- (2) Casings may be required for the following conditions:
 - a. As an expediency in the insertion, removal, replacement, or maintenance of a carrier line crossing or other locations where it is necessary in order to avoid open trench construction.
 - b. As protection for carrier lines from external loads or shock either during or after construction of a road.
 - c. For jacked or bored installations of coated carrier lines unless assurance is provided to the county that there will be no damage to the protective coating.

- (3) Within the road right of way, where practicable, casing pipes shall extend beyond the toe of fill slopes, back of roadway ditch, or outside of curb.
- (4) Other than for necessary vents and/or drains, casing pipes shall be sealed at both ends.
- (5) Casing pipes shall be designed to support the load of the road and superimposed loads thereon and, as a minimum, shall equal the structural requirements for road drainage facilities. Casings shall be composed of materials of sufficient durability to withstand conditions to which they may normally be exposed.

D. UNDERGROUND UTILITIES - UNCASED CARRIERS

- (1) The carrier pipe shall conform to the material and design requirements of the appropriate utility industry and governmental codes and specifications.
- (2) The carrier pipe shall be designed to support the load of the road, plus superimposed loads thereon, when the pipe is operated under all ranges of pressure from maximum internal to zero pressure.

E. UNDERGROUND UTILITIES - APPURTENANCES

- (1) Vents shall be required for casings, tunnels and galleries enclosing carriers of fuel where required by federal safety standards. Vent standpipes should be located and constructed so as neither to interfere with maintenance of the road nor to be concealed by vegetation. Preferably standpipes should stand by a fence or on the right-of-way line.
- (2) Drains shall be required for casings, tunnels or galleries enclosing carriers of liquid, liquified gas, or heavy gas. Drains for carriers of hazardous materials shall be directed to natural or artificial holding areas to prevent the potential for surface or ground water contamination. Drains for which only water or other non-hazardous liquids may discharge may be directed into the roadway ditch or natural water course at locations approved by the county. The drain outfall shall not be used as a wasteway for routine purging of the carrier unless specifically authorized by the county.
- (3) Location markers and emergency information should be used when required by applicable state and federal standards.

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

F. UNDERGROUND UTILITIES - INSTALLATION

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

- (1) Trenched Construction and Backfill:
 - a. Where the pavement must be removed, it first shall be cut in vertical (or undercut) continuous straight lines.
 - b. Trenches shall be cut to have vertical faces, where soil and depth conditions permit, with a maximum width of outside diameter of pipe plus 2 feet. Shoring shall comply with the Washington State Department of Labor and Industries Safety Code.
 - c. The pipe or carrier shall be installed and the trench backfilled in a manner assuring no deformation of the pipe likely to cause leakage and restoration of the structural integrity of the roadway structure. Specific trench backfill requirements regarding materials and methods shall be provided by the county.
 - d. When trenching is approved on paved roads, the pavement shall be restored as required by the county.
- (2) Untrenched construction may be required for pipelines crossing roads paved with asphalt concrete or cement concrete and for roads paved with bituminous surface treatment when directed by the county.
 - a. If sufficient right-of-way exists, the length of untrenched construction shall extend a minimum of 4 feet from edge of pavement, except that a lesser standard may be permitted by the county engineer where conditions warrant.
 - b. Overbreaks, unused holes, or abandoned casings shall be backfilled as directed by the county engineer.
 - c. Water boring under roadways shall not be permitted.

d. Existing carriers and conduit installed under a roadway may be physically located prior to pipeline installation.

(3) Plowing of communication and electrical lines on or adjacent to existing roads by means of a vibratory plow may be allowed by the county, provided that the structural integrity of the roadway is not impaired.

G. UNDERGROUND UTILITIES - ONE CALL SYSTEM

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

7. SPECIFIC REQUIREMENTS - OVERHEAD UTILITIES

A. POWER AND COMMUNICATION LINES

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

(2) The minimum vertical clearance for overhead power and communication lines above the road and the minimum lateral and vertical clearance from bridges shall be in compliance with the National Electrical Safety Code and Washington State Department of Labor and Industries "Electrical Construction Code".

(3) Where irregularly shaped portions of the right-of-way extend beyond the normal right-of-way limits, a uniform alignment of facilities shall be allowed.

8. AESTHETIC/SCENIC CONSIDERATIONS

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

B. Overhead utility installations shall be permitted in areas of scenic beauty when other utility locations are not available, are not technically feasible, are unreasonably costly, or are less desirable from the standpoint of visual quality.

- C. If the utility intends to use chemical sprays to control or kill weeds and brush in scenic areas, prior approval must be granted by the county at least annually. The county may limit or restrict the types, amounts, and timing of applications if a significant negative impact on the aesthetics of the area is anticipated, provided such limitations or restrictions are not in conflict with State law governing utility right-of-way maintenance.
- D. Refuse and debris resulting from the installation or maintenance of the utility facilities shall be promptly removed once work is completed.

9. **INSTALLATIONS ON ROADWAY BRIDGES AND STRUCTURES**

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

- A. Attachment of a utility shall not be considered unless the structure in question is of a design that is adequate to support the additional load and can accommodate the utility facility without compromise of highway features, including reasonable ease of maintenance.
- B. Manholes and other utility access panels should be avoided within the roadway portion of the structure.
- C. Attachment on a structure of a pipeline carrying a hazardous transmittant shall be avoided where practicable.
- D. The utility attachment shall not reduce the clearance of a structure where such clearance is critical. Attachment to the outside of a structure should be avoided where there are reasonable alternatives.
- E. Utility mountings shall be of a type which shall not create noise resulting from vibration.
- F. The hole created in a structure abutment shall be sleeved, shall be of the minimum size necessary to accommodate the utility line, and shall be sealed to prevent any leakage of water or backfill material.
- G. The utility line back of the abutment shall curve or angle out to align outside the roadbed area in as short a distance as is operationally practicable.

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

10. **MISCELLANEOUS PROVISIONS**

A. Preservation, restoration and cleanup

- 1. The size of disturbed area necessary to install a utility shall be kept to a minimum.
- 2. Restoration methods shall be in accordance with the specifications of the county and/or special provisions of the franchise, permit, or agreement and shall include but be not limited to restoration of vegetation by sodding or seeding and compaction of backfill materials to 92%+ of optimum density for the entire depth of the backfill material.
- 3. Unsatisfactory restoration work shall be promptly corrected by the utility. If necessary, unsatisfactory restoration work may be corrected by the county and billed to the utility.

B. Traffic control and public safety

- 1. Traffic controls, including detours for all utility work, shall conform with the currently applicable "Manual on Uniform Traffic Control Devices for Streets and Highways".
- 2. All construction and maintenance operations shall be planned to keep interference with traffic to a minimum. On heavily traveled roads, construction operations interfering with traffic should not be scheduled during periods of peak traffic flow.

Work shall be planned so that closure of intersecting streets, road approaches, or other access points is held to a minimum.

- 3. Adequate provision shall be made to safeguard any open excavation, and shall include barricades, lights, flaggers, or other protective devices as may be necessary.
- 4. The storage of materials on through roadways shall not be allowed, and parking of vehicles on through roadways shall be kept to a minimum.

C. Emergency Repairs

1. All utility facilities shall be kept in a good state of repair. Emergency repairs shall be undertaken in a timely manner.
2. If emergency repairs disturb the right of way, such repairs may be immediately undertaken and the right of way restored. Approval as to the manner of final restoration of the right of way shall be secured from the county in a timely fashion.

DATED THIS 5th day of January, 1993.

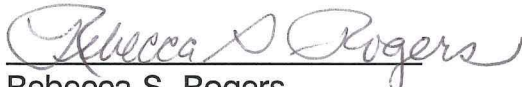
BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


WILLIAM O. HUNTER, Chairperson

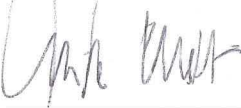

M. L. FAUGHENDER, Commissioner


LAURA E. PORTER, Commissioner

ATTEST:


Rebecca S. Rogers
Clerk of the Board

APPROVED AS TO FORM:


Prosecuting Attorney

cc: File
Department Heads
Elected Officials
Public Works

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