

BARTOW COUNTY **UTILITY PERMIT PROCEDURES**

A Utility Permit is required for utility work as specified in the Bartow County Utility Accommodation Ordinance. Work in a Bartow County right-of-way without a permit, for any type of work for which a permit is required, shall be a violation of this Ordinance. All work authorized by any permit issued under this Ordinance shall be in accordance with all applicable Bartow County specifications and requirements. All utility work in Bartow County right-of-ways shall comply with the provisions of this Ordinance.

I. PERMIT REQUESTS AND PROCEDURES

A. FORM.

Permit Request forms for standard utility installations shall be obtained from the Bartow County Road Department at 10 Ladds Mountain Road, Cartersville, Georgia 30120 (mailing address: 135 West Cherokee Avenue, Cartersville, Georgia 30120. Fax 770/387-5016) or at www.bartowga.org. Utilities submitting numerous permit requests may be allowed to create an electronic form with their company name on the form subject to the Department's approval. The general format of the Permit Request form shall be followed.

B. SUPPORTING DOCUMENTS.

The Applicant shall provide the Department with concept plans showing the utility installation, including proposed routing, means and methods of construction, and other issues unique to the proposed facility. The Department shall review the permit application and all supporting documents and determine whether the installation is routine or complex and shall notify Applicant of that determination, as well as whether a pre-permit conference will be required. Final engineered drawings will be required as directed by the Department to the standards as required in the State's policy. Applicant submits at its own risk final engineered drawings prior to a pre-permit conference.

C. REVIEW PROCEDURES.

For any utility installation, Applicants must complete the following steps. The first step shall be the Department's determination of whether the installation is a Routine Installation or a Complex Installation. The following factors will be considered by the Department in determining whether installations are routine or complex:

ROUTINE	COMPLEX
short route	long route
minimal existing utilities in right of way	number of existing utilities in right of way
No congestion of utilities	congestion of utilities (narrow space within workable area of right-of way)

No manholes or vaults	existing manholes or vaults
no significant effect on traffic or traffic signals	significant effect on traffic or traffic signals
not a heavily traveled corridor	significantly traveled corridor
industry standard installation means and methods	atypical installation means and methods
favorable topographical, geological, and environmental conditions	topographical, geological or environmental challenges
	other factors impacting the right of way, roadway or other interests of the county and its citizens

1) **Pre-Permit Conference.** If the installation is complex, the Applicant and the Applicant’s inspector shall meet with the Department in a pre-permit conference to discuss:

- the scope of the installation (duration of construction, capacity, etc.)
- efforts to co-locate with similar utilities
- the origin and destination of the proposed and alternative routes
- connections to possible points of presence or other points of interface
- as-builts of other utilities currently in right of way
- unique topography or concerns in and about roadway
- lane closures
- safety issues
- bonding and insurance
- and any other factors which may affect the installation, routing, or interests of the County
- requirements for photos or video of right of way and adjacent properties

Any directions given by the Department at this meeting shall be nonbinding pending submittal and review of the final plans.

2) **Failure to Complete Pre-Permit Review.** Applicant shall take notice that failure to complete the pre-permit review may require extensive changes to engineering designs or ultimately a denial of a permit.

3) **Forms and Supporting Documents.** At a minimum, the Applicant for either a routine or complex installation shall provide:

- a. Permit Request Form (available from Department at www.bartowga.org);
- b. The completed checklist called “ATTACHMENT 1”
- c. All supporting documents and information required in ATTACHMENT 1. All information requested shall be provided, or if not applicable, shall be noted as N/A on ATTACHMENT 1. Final engineered drawings will be required.
- d. Special Assurances Forms completed by Applicant and all contractors.

- e. **Fee Worksheet:** Applicant must submit a completed fee worksheet called “ATTACHMENT 2, FEE WORKSHEET” stating the mileage of facilities to be installed to the nearest .01 mile. Applicant shall calculate fees according to the most recently approved fee schedule. Any Applicant claiming an exemption to the fee schedule shall be referred to the Bartow County Attorney’s Office for determination. Checks for fees shall be made to “Bartow County Road Department.” Requests for electronic drafts should be referred to the County's Chief Financial Officer.

- 4) **Efforts to Co-Locate.** The Applicant shall demonstrate its efforts to locate existing utilities and to advise the owners of the existing utilities of the proposed work. The Applicant shall try to co-locate its installations with similar utilities to the maximum extent possible. The Department, in turn, may share the general information contained in the permit application to the extent that co-location would benefit all parties concerned.

- 5) **Review; Resubmittal.** Upon receipt of a complete permit application with all forms and supporting documents, the Department shall review the permit application. In the event any form or supporting document is incomplete, the Department shall notify the Applicant and request further documentation. The Department shall review the application for compliance with the applicable requirements and specifications, and shall notify the applicant of any deficiencies. The Department shall generally return comments on plans within ten business days. The application shall then revise the application accordingly and resubmit with corrections. This process shall repeat as often as necessary. In the event the permit application is so deficient as to require substantial revision to come into compliance, the application may be rejected and the applicant directed to resubmit.

- 6) **Approval.** Once the permit application has been found to be in compliance with all applicable ordinance, standards and other requirements, the permit shall be issued. New installation permits shall have a one year duration, and may be renewed upon payment of the fee and submission of any necessary documents to bring the application up to date.

II. FIELD REQUIREMENTS FOR INSTALLATION

- A. **STANDARDS.** Unless approved otherwise, the proposed utility installation shall conform to the Georgia Department of Transportation’s Utility Accommodation Policy and Standards as revised and adopted by Bartow County. The current Utility Accommodation Policy and Standards can be obtained from the Utilities Section of the Georgia Department of Transportation, or at www.dot.state.ga.us. Any deviation from the standards shall be noted on the submitted utility plans. All utilities locating their facilities in new residential and commercial developments shall locate their facilities pursuant to the Bartow County Development Standards and Specifications. In the event that the Development Standards conflict with the Georgia Department of

Transportation's Standards, the Bartow County Development Standards shall be followed.

- 1) **Potholing.** In order to provide the Department with a satisfactory plan showing in detail the location of a proposed facility to be installed, the Department may require potholing, or other similar industry standard techniques, at intervals sufficient to determine the location of existing facilities in an effort to ensure no facilities will be damaged during installation.
- B. **NOTICE OF COMMENCEMENT.** A 24-hour notification during regular business hours (Saturday, Sunday, and legal holidays excluded) shall be given to the Department prior to the start of any work. Contact with the Utilities Protection Center does not alleviate this requirement. The notification shall include complete project information including project name, location, 24-hour contact name and phone numbers, project schedule, and any other items required by the permit. The 24-hour contact or a designee must be on site at all times work is being performed, and must be able to clearly communicate with the Bartow County Inspector. If requested by the Department, the Applicant shall meet with a Department representative prior to commencement.
- C. **PERMIT TERM.** Unless otherwise provided in the Special Provisions within the permit, the permit shall be valid for 12 months from and after the date issued, unless sooner revoked by mutual consent or suspended, cancelled or revoked by the Department. A permit is automatically cancelled when the utility for which the permit is issued ceases or abandons the project.
- D. **POSTING OF PERMIT.** The permit shall be posted along with any placards required by the Department. Such postings shall include the 24-hour contact name and phone numbers, the project name, and any other items required by the Department. A copy of the permit shall also be kept available at all times on the job site when any work is underway.
- E. **MARKING AND SIGNS.** All existing utilities shall be clearly marked or indicated prior to any excavation. Representatives of any other utilities affected by the work shall be afforded the opportunity to be present to observe the work. Official signs (such as traffic control signs, regulatory signs, and other official signs) shall be maintained during the work in a position visible to motorists, and after the work shall be permanently reinstalled in accordance with the Manual for Uniform Traffic Control Devices for Streets & Highways (latest editions).
- F. **TRAFFIC CONTROL.** All traffic control measures required by the permit shall be at the expense of the permittee. All traffic control measures shall comply with the Manual on Uniformed Traffic Control Devices for Streets and Highways (latest edition). Equipment and vehicles shall not be allowed to obstruct the roadway unless essential to the utility work to be performed under the permit. No road closures are allowed with express approval of the Department. All personnel

working in the right of way shall wear the proper protection equipment (i.e. Safety Vest).

- G. **MAINTENANCE OF WORK AREA.** Use of the right of way shall be minimized to the greatest extent possible. No materials or equipment shall be stored on the right of way without prior written approval. No work shall restrict the sight distances for motorist exiting adjacent streets or driveways unless a flagman is provided. Debris (other than dirt and fill) shall not be placed on the right of way, but shall be hauled away as the excavation occurs. All trenches opened each day must be backfilled and compacted to 95% standard proctor using appropriate tamping or vibratory equipment unless otherwise approved by the Department. Any postings must be properly posted and maintained so they are legible. Cover plates for gaps in the roadway must be secured at the end of each work day. Plates **MUST** be secured so that there is no possibility that the plates can move or shift due to traffic flow. **NO** open cuts shall be allowed after work has stopped.
- H. **EROSION CONTROL.** Erosion control plans conforming to the Bartow County Soil Erosion and Sedimentation Control Ordinance shall be submitted with the permit application. The most recent best management practices to control erosion shall be used to develop the plans and shall be used to ensure adequate protection from erosion.
- I. **RESTORATION.** All disturbed right of way and adjacent private property shall be restored to the complete satisfaction of the Department. If required, a pre-construction survey consisting of photos and/or a video of the right of way to be affected shall be provided to the Department prior to any disturbance. All sidewalks shall be restored within 48 hours of disturbance or removal unless a written time extension is given. Prior approval is required to install flush pull boxes or manholes in the sidewalk.
- J. **SUSPENSION, CANCELLATION OR REVOCATION OF PERMIT.** The Department has the right to suspend or cancel and revoke a permit for cause by issuing a Stop Work Order when permittee fails to comply with any and all terms and conditions of the permit and with the Bartow County Utility Accommodation Ordinance and any other federal, state or local laws. This right includes, but is not limited to, the permittee's failure to maintain facilities in a good state of repair. The Department may require permittee to immediately remove all equipment and materials and to restore the site.
- K. **INSPECTION OF WORK.** The Department reserves the right to inspect the work during such periods as the Department's field inspector(s) deem necessary to check compliance with the terms of the permit, and to require the permittee to correct all deviations from the approved permit. The Department reserves the right to require compaction testing from the utility, at the utility's expense, for any work involving cutting, trenching, or backfilling in the roadbed. Any supervision or control exercised by the Department, its personnel or its agents shall in no way relieve the

permittee of any duty or responsibility to the general public, nor shall such supervision or control relieve the permittee from any liability for loss, damage or injury to persons or property as provided in the State's Utility Accommodation Policy and Standards manual, incorporated herein.

- L. **AS-BUILTS.** As provided in the State D.O.T.'s policy, permittee's completed facility shall be in substantial conformance with the plans required under this policy and as revealed by potholing or similar location techniques. When changes are required and approved on construction, permittee shall prepare revised as-builts and furnish two (2) copies to the Department.

- 1) **Format of Location Specifications.** In addition to standard engineered drawings conforming to the requirements above, as-builts shall be provided using the following coordinate systems, unless directed otherwise: Georgia State Plane, N.A.D. 83 or standard measurements (feet).

III. WARRANTY AND SECURITY REQUIREMENTS

- A. **WARRANTY OF WORK.** After work approved in this procedure manual has been completed, or after completion of any emergency repair, the utility shall provide a one (1) year warranty on all work performed under a Utility Permit. This one year warranty shall commence upon the completion of the work. The utility shall be responsible to repair any defects in the work or repair, or correct any deficiencies that are not up to the standards and regulations of the County Ordinances.
- B. **SURETY BOND.** The warranty shall be supported by a surety bond. Surety bonds shall be issued only by companies authorized to issue such bonds in Georgia, and shall be in an amount determined by the Road Department based on the size of the project. The minimum bond for any Utility Permit shall be \$25,000. The bond requirement may be waived by the Department Head's discretion, for utilities that have demonstrated a history of compliance with this Ordinance, financial responsibility, quality work, and prompt responsiveness. The Department may use its discretion when setting the amount of the bond and should consider potential damage to public property or facilities and the relationship to the cost of installation, as well as the factors used in determining whether a project is complex. No work shall be commenced unless the bond is acceptable to the County.
- C. **NOTICE OF DEFECT.** If any work or repair is found by the Bartow County Road Department not to be in compliance with the specifications provided, or otherwise not in compliance with this Ordinance or the permit, the Bartow County Road Department shall notify the utility immediately by written Notice of Defect. The utility will then have forty-eight (48) hours to make the necessary repairs or other work, unless longer time is granted by the Department. If the necessary work is not completed within the time limit specified, then the Bartow County Road Department may make the repairs or conduct the necessary work, and charge the utility for the

costs of the materials and labor, which shall be responsible for payment of such costs. The utility will also be in violation of this Ordinance for failing to abide by the Notice of Defect. The Department in such circumstances would be authorized to issue citations, stop work orders, or seek other relief. In the case of emergencies, the Department shall give the utility 24 hour contact one hour to respond, and if no action is begun to correct the emergency, shall be authorized to repair the deficiency itself. In such cases, the utility shall be responsible for the costs of labor and materials for the emergency repair. In the event Bartow County incurs costs to correct a defect of a Utility Company, the County shall be authorized to withhold all further permits (or issue a stop work order) until the costs incurred by the County are paid.

- D. **INSURANCE.** All utilities operating in Bartow County right-of-ways shall also provide proof of liability insurance in the amount of \$1,000,000 in general liability coverage that shall also cover the actions of the contracts and subcontractors. In lieu of the foregoing, the utility may self-insure for the above-referenced coverages. The utility shall present valid proof of self-insurance upon the Department's request. The utility shall also require equivalent insurance from their contractors or subcontractors.

- E. **INDEMNIFICATION AND HOLD HARMLESS.** The utility receiving the permit and the contractor shall indemnify and hold harmless Bartow County, the Department and all Bartow County employees, and agents, from any and all liability as provided in the current edition of the State D.O.T.'s Utility Accommodation Policy and Standards. These terms shall become terms of and contained within the permit/permit application and/or Special Assurances Form(s). Such indemnification shall include the costs of attorneys fees and litigation expenses to enforce this indemnification provision.

- F. **VIOLATIONS.** Violations of the Utility Accommodation Ordinance or the permit or these procedures shall be subject to the enforcement actions as detailed in the Ordinance, including citation, fines, stop work order and injunctive relief.