

# **BARTOW COUNTY**

## **WRITTEN NOTIFICATION PROCEDURES**

Written notification shall be required as specified in the Bartow County Utility Accommodation Ordinance. Written notification must be submitted, and acknowledgment of the notice received, prior to any work beginning that requires notification, as specified below. Proceeding on work that requires a written notification, before notification is submitted, or before acknowledgment of the notice is returned, shall be a violation of this Ordinance. All utility work in Bartow County right-of-ways shall comply with the provisions of this Ordinance.

### **I. WRITTEN NOTIFICATION**

#### **A. FORM.**

Written Notification forms 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](http://www.bartowga.org). Utilities submitting numerous notifications may be allowed to create an electronic form with their company name on the form subject to the Department's approval. Written notification may not be submitted more than thirty days prior to the commencement of the work. The general format of the Written Notification form shall be followed. Acknowledgment of written notification will generally be provided within one business day of receipt of the notification.

#### **B. FORMS AND SUPPORTING DOCUMENTS.** At a minimum, the written notification shall provide:

1. Written Notification Form (available from Department at [www.bartowga.org](http://www.bartowga.org));
2. An 8 by 11 inch sketch drawing of any boring, punch or directional drilling to ascertain its location; and
3. Such other information as is requested by the Department.

### **II. FIELD REQUIREMENTS FOR INSTALLATION**

**A. STANDARDS.** Unless approved otherwise, the proposed work shall conform to the site details provided by Bartow County, or 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](http://www.dot.state.ga.us).

**B. NOTIFICATION TERM.** Unless otherwise provided by the Department, acknowledgment of written notification shall be valid for thirty days from and after the date provided, unless sooner revoked by mutual consent or suspended, cancelled or revoked by the Department. A copy of the written notification, showing acknowledgment by the Department, must be available at the job site at all times.

- C. **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).
- D. **TRAFFIC CONTROL.** All traffic control measures required by the Ordinance shall be at the expense of the utility. 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. 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).
- F. **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.
- G. **RESTORATION.** All disturbed right of way and adjacent private property shall be restored to the complete satisfaction of the Department.
- H. **SUSPENSION; STOP WORK ORDERS.** The Department has the right to suspend any work when the utility fails to comply with any provisions of the Bartow County Utility Accommodation Ordinance and any other federal, state or local laws. This right includes, but is not limited to, the utility's failure to maintain facilities in a good state of repair. The Department may require utilities to immediately remove all equipment and materials and to restore the site.
- I. **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 Ordinance, and to require the utility to correct all deviations. 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 utility of any duty or responsibility to the general public, nor shall such supervision or control relieve the utility 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.

### **III. WARRANTY AND SECURITY REQUIREMENTS**

- A. **WARRANTY OF WORK.** After any work requiring written notification, or after completion of any emergency repair, the utility shall provide a one (1) year warranty on all work performed. 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. **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, 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.
- C. **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.
- D. **INDEMNIFICATION AND HOLD HARMLESS.** The utility providing notification and the contractor performing the work 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. Such indemnification shall include the costs of attorneys fees and litigation expenses to enforce this indemnification provision. The submission of a written notification form shall be considered consent to these terms.
- E. **VIOLATIONS.** Violations of the Utility Accommodation Ordinance or of these Procedures shall be subject to the enforcement actions as detailed in the Ordinance,

including citation, fines, stop work order and injunctive relief.