

**Application and Permit
To Occupy or Perform Operations
Upon Public Roads in Malheur County, Oregon**

Permit #: _____

Name of Permittee & Address:

Phone: _____

Email Address: _____

Road Name & Number:

Section _____, **T.** _____, **R.** _____

**Name of and distance from, the
nearest intersection:** _____

Road Surface Type: _____

Located in Road District: _____

Project Start Date: _____

Project End Date: _____

General description, the purpose, scope of work to be done:

Fill in all of the following that apply:

Angle of crossing _____ **or distance from center line** _____

Size and kind of pipe _____ **Length** _____

Depth of underground _____ **Height above ground** _____

Attachments: _____ **map** _____ **work schedule** _____ **drawings, sketches, diagrams**

_____ **traffic plan,** _____ **other plans; documents:** _____

GENERAL PROVISIONS:

1. This permit does not authorize any activity on privately owned property or public right-of-way NOT under the control or jurisdiction of Malheur County or a Road Assessment District in Malheur County. The Road Assessment Districts are: Ontario, Nyssa, Juntura and Ironside.

2. Failure to comply with the provisions of this permit, shall be cause for the County or Road Assessment District to revoke, annul, terminate, suspend, revise or amend the permit or take any legal action necessary to correct a violation. All costs associated with work stoppage or revocation are the responsibility of the Permittee.

3. Follow the direction of Malheur County or Road Assessment District if actual site conditions warrant the need to modify any previously approved construction, traffic control, or erosion control plan. Malheur County and Road Assessment District reserve the right to make changes to the permit and approve supplementary documents including any and all plans at any given time.
4. Obtain approval prior to modifying the scope of permitted work.
5. Comply with all applicable laws and regulations associated with the performance of work authorized by this permit. It is the responsibility of the Permittee and those performing the work to be knowledgeable about all applicable laws and regulations.
6. Obtain any other permits, licenses, or authorization by other utilities, public agencies, or organizations for performing work authorized under the permit. For example, irrigation districts.
7. Oregon law requires Permittees to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth in OAR 952-001-0010 through OAR 952-001-0100. Permittees may obtain copies of the rules by calling the center. The telephone number for the Oregon Notification Center is (503) 232-1987, (800) 332-2344, or 811. Permittees must call before they dig. Permittees can also visit www.digsafelyoregon.com for more information.
8. Construct the permitted activity with materials, equipment, labor and workmanship to meet or exceed the relevant specifications established by County or Road Assessment District for roads. Ensure quality control is maintained for all work performed and correct any work that does not meet standards and specifications.
9. Establish and maintain work zone traffic control in compliance with Oregon Temporary Traffic Control Handbook any time vehicle or pedestrian traffic is influenced by the work. Provide “road work ahead” or similar signs on all approaching roads. Parked equipment and stored materials must be as far from the travel way as feasible. Items left overnight within 30 feet of travelway shall be marked and/or protected.
10. Preserve and protect all public and private infrastructure ensuring that these facilities continue to properly function during the course of the permitted activity, including, but not limited to underground storm drainage systems, open drainage systems, culverts, irrigation systems and traffic control devices/signs.
11. Restore all existing infrastructure, affected by the permit activity, to original or better condition. Restoration includes, but is not limited to, the road surface, base and subgrade, pavement markings, drainage facilities, signs, safety appurtenances, vegetation, landscaping and any other feature affected by the activity. Restoration of the right-of-way shall be completed in a timely manner and to the County’s/Road District’s satisfaction. All rubbish and debris shall immediately be removed.
12. Thoroughly compact all backfill in 6” lifts.
13. Preserve and protect survey monuments, public land corners and any accessory associated with these features. If interference, removal, or destruction is necessary, comply with ORS 209.140 through ORS 209.155. Additionally, utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat, in accordance with ORS 92.044. The Malheur County Surveyor can be reached at (541) 473-5520.
14. Interaction with the County, other agencies, service providers and the public shall be in a professional, courteous and timely manner.

15. Grant the County and applicable Road Assessment District immediate access to the permitted work area. The County and Road Assessment District may enter the work area covered under the permit for any reason.

16. Maintain insurance requirements for permit work as follows:

Minor work performed by homeowner or individual property owner: Homeowner's insurance policy for at least \$100,000 combined single limit for bodily injury, property damage and person injury. This insurance must be primary to and non-contributory with any insurance, including any self-insurance or retentions carried by the County. Minor work by homeowner may include: repair to existing single-family driveway/approach on to county road.

Minor work performed by contractor: Commercial general liability insurance policy for at least \$500,000 combined single limit per occurrence and at least \$1,000,000 in the aggregate per project, for bodily injury, property damage and personal injury. This insurance must be primary to and non-contributory with any insurance, including any self-insurance or retentions carried by the County. Minor work by contractor may include installation of new conduit in miles of county right-of-way for several days.

Major work performed by contractor: Commercial general liability insurance policy for at least \$1,000,000 combined single limit per occurrence and at least \$2,000,000 in the aggregate per project, for bodily injury, property damage, and personal injury. This insurance must be primary and non-contributory with any insurance, including any self-insurance or retentions carried by the County. Major work performed by contractor may include installation of power pole.

The County may require certificates of insurance prior to commencement of work. Insurance shall not terminate or be canceled prior to the completion of the permitted activity.

17. Indemnification. Permittee will defend, indemnify and hold harmless the County and Road Assessment District, their agents, officers, elected officials and employees from and against all claims, demands and judgments (including attorney fees) made or recovered against them including, but not limited to, damages to real or intangible property or for bodily injury or death to any person, arising out of, or in connection with the work or activity authorized by this permit, to the extent such damage, injury or death is caused or sustained in connection with the negligent performance, omission or willful misconduct of Permittee, or its employees, agents or subcontractors.

18. Maintain at least one-way traffic at all times; or provide an approved detour route.

19. Avoid open trenches in right-of-way left unattended unless barricades are provided with working flashers.

20. Keep trenched area level and smooth for 30 days after completion of permit project.

21. If required by County submit "as built" plans at project completion.

22. Guarantee work for a minimum of one year from date of completion. County may require a cash deposit during guarantee period depending on the type of work permitted. In the event Permittee fails to perform warranty work in a timely manner to satisfaction of Malheur County, the deficient work may be corrected, mitigated or abated by County. Permittee shall be responsible for all expenses associated with work done by County to correct, mitigate or abate a deficiency.

23. Fees may be required if review by Malheur County or Rural Assessment District is needed for inspection services.

SPECIAL PROVISIONS, ADDITIONAL REQUIREMENTS, COMMENTS:

Permittee:

Signature

date

Title:

Recommended:

Malheur County Road Supervisor

date

Approved:

County Judge/Commissioner

date