

CRITERIA FOR PERMIT TO USE ROAD RIGHT-OF-WAY

The following criteria will be referred to by the Antelope County Board of Supervisors when considering an application for a permit to place, drill, install, dig, trench or in any other manner place any pipe, conduit, wire or any other such items underneath a county or township road, or within the road right-of-way, or under section lines.

1. Definitions:

- A. **COUNTY BOARD:** refers to the Antelope County Board of Supervisors.
 - B. **PERSON:** shall mean any person, firm, partnership, association, corporation, company or organization of any kind.
 - C. **ROAD RIGHT-OF-WAY:** means the entire width of land dedicated for county road purposes, including ditches, slopes, as well as the traveled portion of any county or township road within the county.
 - D. **APPLICANT:** is the person, partnership, association, corporation, company or organization making a request for the permittee to place, drill, install, dig, trench, or in any other manner place any pipe, conduit, wire or any such item underneath the county or township road or within the road right-of-way.
 - E. **APPLICATION:** refers in these criteria as being the deposit, laying over, putting on land any liquid, or a liquid solid chemical fertilizer, or animal waste.
2. All transmission, distribution lines, any pipes, conduits wire or any other such items installed, erected, or otherwise placed underneath public roads, including or within said road right-of-ways pursuant to a permit issued by this board shall be located so as to cause minimum interference with the rights and reasonable convenience of property owners who join any of the said road right-of-ways, and to cause no interference with the right and reasonable use of the public road for the vehicular travel.
3. All requests for permit shall include an identification of the structure, identification of its purpose, identification of the materials used in the structure, its specific location and an agreement that the owner of such structure specifically assumes all liability for such structure, all liability for consequential damages to the road and all liability to any persons or other property injured by the failure of such structure and any consequential damages for injury caused by the use of such structure.
4. That during the installation of such pipe, conduit, wire or any other such structure, it is necessary to disturb the surface of any road or road right-of-way, the permittee shall, at its own cost and expense and in a manner approved by the county or township, shall replace and restore such road or road right-of-way in as good as condition as it was before the work involving such disturbance was done.

5. If at any time during the period that a structure including pipe, wire, conduit, or a pipe is installed underneath or within such road right-of-way and the county or township elects to alter, widen, repair, or change the grade of any such road, then the permittee, shall upon reasonable notice given by the county, shall remove its structure at its own expense.

6. Any request for a permit to install, dig, trench, drill, place or in any other manner place any pipe or conduit which will contain any chemical or animal waste, or any liquid other than water, must provide affirmative evidence that application of such chemical, animal waste or any other liquid, or liquid solid, will not result in a public nuisance and will not tend to pollute streams, rivers or underground water supply. At minimum, the request for permit shall include:

A. If the application fringe is within 3,000 feet of an occupied residence, the request for permit must be accompanied by written permission from any owner and occupier of any occupied residence within 3,000 feet of the application fringe.

B. That no chemical or affluent will be applied during any time the ground is frozen.

C. The application cannot be made on any slope at a rate greater than can be absorbed before the application can be run off the property. The request for permit must provide evidence that any run off will be contained on the property and not be allowed to run onto any public roads or into ditches or other property not owned by the same owner of the property for which the permit will benefit.

7. Installation of all pipe, conduit, wire or other structure underneath the roads or within the road right-of-ways shall be performed in accordance with the Nebraska Department of Roads policy for accommodation of utilities on primary, secondary and urban highways.

8. That if any of these criteria are violated after the permit has been issued, then the permittee shall remove such structure or cease the violation immediately upon receiving written notice of such violation. If the permittee allows such structure to remain underneath the road or within the county road right-of-way, then the permittee shall be deemed in violation of the resolution passed by the county board and shall be subject to a fine of \$100.00 for each day after written notice is delivered to the permittee.

By motion and seconded and the majority vote of the Antelope County Board of Supervisors, these criterion have been discussed and determined to be in effect on the 11th day of May, 1998.

**ANTELOPE COUNTY BOARD
OF SUPERVISORS**

By: Gordon C. Baker /s/
Chairman