**UTILITY PERMIT APPLICATION**

CLARK COUNTY HIGHWAY DEPARTMENT

15487 N State Hwy 1

Marshall, IL 62441

Phone 217-826-8056

Fax 217-826-5694

County Highway Route Number and Name:

Location or Nearest Cross Street:

Project Name:

Type of Permit Requested:

Date Applied: Date Approved (Office Use Only):

**Applicant Information**

Name:

Mailing Address:

City, State, ZIP:

Phone: ( ) Email address:

**Type of Permit and Fees**

Please check Permit Type

* Emergency Permit No Fee-No Permit Needed
* Minor Maintenance No Fee-No Permit Needed
* Major Maintenance Standard Fee $150
* Agricultural Field Tile Standard Fee $100
* Modification/New Const. Standard Fee $950
* Renewal/Extension Standard Fee $100

Note: If work has already begun on a project requiring a permit the application fee will be **double** those detailed above.

 Additional Review, Vehicle Delay and other costs may apply.

**Performance Bond, Surety Bond or Escrow Account**

Issuing Institution:

Phone: ( ) Email address:

Bond Number: Amount:

Note: This shall be provided once the permit and the estimate of cost have been approved. It shall be in the amount of the approved Estimate of Cost x 125%.

**Certificate of Insurance**

The undersigned applicant agrees to submit the required Certificate of Insurance prior to the issuance of this permit.

**Contractor**

(If work done by other than Petitioner)

Name:

Mailing Address:

City, State, ZIP:

Phone: ( ) Email address:

**Engineer**

(If more than one firm please list the prime.)

Name:

Mailing Address:

City, State, ZIP:

Phone: ( ) Email address:

**Documentation**

Please attach copies of all drawings, plan sheets, spec sheets, construction schedules, bonds and other documentation necessary to complete the permit.

**Signatures**

 Date

Signature

Print Name

(Office use only)

Approved Date

**Definitions**

**Emergency Permit-** When the existing utility system serving the general public is not functioning as originally intended and lack of immediate repairs or reconstruction thereto said system will create additional hardship to the utility or the general public. The duration of the work period for an emergency repair is generally considered 72 hours or less. As, shown previously, no permit and no fee are required for this type of work. Please contact the Clark County Highway Department to discuss work related to emergency.

**Minor Maintenance-** This includes repair or minor maintenance or inspection and access to and from the existing utility system that will not impact the safety or efficiency of the travelling public within the County Highway right-of-way. Excavations and open cuts are not considered Minor Maintenance and will be prohibited under this work item. The work period for Minor Maintenance is considered a short duration, which is generally work that occupies a location for 60 minutes or less. As, shown previously, no permit and no fee are required for this type of work. Please contact the Clark County Highway Department to discuss work related to the minor maintenance.

**Major Maintenance-** This includes repair, inspection and access to and from an existing utility system that may impact the safety or efficiency of the travelling public within the County Highway pavement and shoulder areas. Major maintenance or inspection work may require excavation and roadway lane and shoulder closures. The work period is considered to range from a short-term stationary to long-term stationary duration, which is generally considered work that occupies a location for 60 minutes or more (90 days maximum). The installation of new single residential service installations is considered Major Maintenance. Permit duration for Major Maintenance is 90 calendar days.

**Agricultural Field Tile-** This includes tile that serves to drain a farm field. All installations of Agricultural Field Tile are included under this permit, which include tile outlets onto County right-of-way and County road crossings. Road crossing shall be a minimum of 42” cover, double-wall plastic minimum tile cased inside of a steel casing. All road crossings shall be bored. Materials used shall be approved by the County Engineer. Permit duration for Agricultural Field Tile is 60 calendar days.

**Modification/New Construction-** This includes a major enhancement, modification or new work and access to and from the existing or new utility system that may impact the safety or efficiency of the travelling public within the County right-of-way, pavement and shoulder areas. The duration of the work period for modification or New Construction is considered 3 days or more. Permit duration for Modification/New Construction is 90 calendar days.

**Renewal/Extension-** This fee will be paid by applicant if their existing permit has expired. Renewal/Extension shall be denied after 30 days from expiration of the permit. After 30 days, a new permit must be submitted for the work.

**Utility Permit Policy**

### Compliance

### The Applicant shall comply with all other applicable laws relating to the placement of utility lines. The issuance of a utility permit by the County Engineer does not excuse the Applicant from complying with other requirements of the County Engineer (e.g., oversize and overweight vehicles) or the requirements of other Local, State and Federal agencies, including but not limited to IDOT, USACOE, IDNR, IEPA, and EPA.

### Removal of Existing or Abandoned Facilities

The County Engineer, at his option, may require that utility facilities (underground or above ground) being abandoned as part of the permit work be removed from the right-of-way. If the utility facility to be abandoned is not part of permit work, the utility right-of-way user shall notify the County Engineer when the facility is abandoned. The right-of-way user shall submit to the County Engineer a plan for the removal of the abandoned equipment or facility. The County Engineer may require the right-of-way user to post a bond in an amount sufficient to reimburse the County for reasonably anticipated costs to be incurred in removing the equipment and facilities if the public right-of-way user fails to do so.

**Obligation to Remove, Relocate or Modify Existing Utility Facility**

The Applicant shall remove, relocate, or otherwise modify its facilities, including the removal of bridge attachments, as specified by the Illinois Highway Code. The Illinois Highway Code gives sole authorization to the County Engineer, and no other administrative agency or commission may review or overrule a permit related decision or direction of the County Engineer. The failure of an Applicant to comply with the directions of the County Engineer may cause sanctions to be imposed on it.

**Notice to Remove, Relocate or Modify Existing Utility Facilities**

The County Engineer may also give written notice that the Applicant or utility shall remove, relocate, or otherwise modify its facilities. If, within 60 days after receipt of such written notice, satisfactory arrangements are not made, the County Engineer may undertake the requested actions and may bill the Applicant or utility for the total cost thereof.

Notice shall be considered to have been received if either the County Engineer receives from the U.S. Postal Service a signed return receipt or a notice that the Applicant has refused to accept a notice by mail, or the County Engineer obtains such other reliable evidence of receipt as he/she may deem appropriate, or notification is satisfied by direction of the Illinois Highway Code. For example, the receipt of a hand delivered notice might be evidenced by a statement by the messenger that the notice was delivered. A receipt from an express service would also suffice.

If notice of receipt is not received within 10 days or the County Engineer receives a notice that is was unable to be delivered or refusal of delivery, the notice shall be posted in a conspicuous place in the area of the permit. If, within 60 days after posting such written notice, satisfactory arrangements are not made, the County Engineer may undertake the requested actions itself and may bill the Applicant for the total cost thereof.

**Reimbursement for Removal, Relocated or Modify Existing Utility Facilities**

The Applicant, by use of its permit, agrees to the following:

1. To pay the County’s costs incurred under this section,
2. If the full amount of the County’s invoice to the applicant is not paid by the date specified on the invoice, to pay all costs of collection, including attorney’s fees, litigation expenses, and fees (including contingency and percentage fees) paid to collection agencies, and
3. That any attorney at law is authorized, on behalf of Applicant, to do the following:
	1. Appear before any court of competent jurisdiction in Illinois, upon complaint made by the County, and enter Applicant’s appearance;
	2. Waive process and service;
	3. Confess judgment for the full amount billed under this Section, for all attorneys’ fees and costs incurred by Clark County Highway Department (CCHD) associated with attempt(s) to collect the amount billed under this Section;
	4. Accept the release and indemnification provisions stated in this Section;
	5. Waive all errors and all right of appeal from said judgment(s); and
	6. Provide such other consents or cooperation as may be helpful to complete the collection process so that the County may be fully paid.

**Suitability of Materials and Workmanship**

Only materials approved by the County Engineer shall be used in utility installations in the County right-of-way. The quality of workmanship in every respect, including geometrical layout of work, proper installation of all facilities, and proper finish of exposed work, shall conform to County standards. At the sole opinion of the County Engineer, the Applicant shall be required to replace all faulty material and reconstruct or correct any work showing or developing unsatisfactory conditions. The completed work shall be inspected for compliance with the terms of this permit by the County Engineer. A letter will be furnished to the Applicant from the County Engineer itemizing the incomplete or unsatisfactory work.

### Detours

The County Engineer recognizes that there may be situations when highway detours are necessary. In certain situations, CCHD will assist in setting up the detour. In all cases, the Applicant or utility is required to coordinate the detour with the CCHD.

**Damage to County Right-of-Way**

Those facilities and roadway structures and appurtenances (i.e.: guardrails, street lights, etc.) within the highway right-of-way that are damaged as a result of the permit work shall be immediately reported to CCHD. Damaged items will be replaced or repaired by the Applicant to satisfaction of CCHD in a reasonable length of time as established by CCHD. Any signs damaged during emergency, maintenance or construction operations must be immediately repaired and/or replaced and erected. The occurrence will be immediately reported to CCHD.

**Duty to Correct Defects**

### The Applicant shall guarantee the restoration of the County right-of-way for twelve (12) months following the issuance of the Final Completion and Compliance Certificate. During the 12-month period, the Applicant shall, upon written notification from the County Engineer, correct all non-complying work using methods and materials required by the County Engineer. The corrective measures shall be completed within ten (10) calendar days of the receipt of the notice from the County Engineer, not including days during which work cannot be done due to circumstances constituting force majeure or of unseasonable or inclement weather. If corrective measures are not commenced within the length of time specified, CCHD will take appropriate action to ensure completion of the work to the County Engineer’s satisfaction at the expense of the Applicant.

**Inspection**

All improvements to a County Highway shall be inspected by a representative of CCHD or one of the County’s consultants. The level of inspection will be determined by the County Engineer based on the complexity and magnitude of the improvements to the County Highway. This will be discussed at the Pre-construction Meeting.

**Enforcement**

If improvements to the County Highway are not constructed in accordance with the approved design or made in accordance with the conditions of the permit, the County Engineer will issue a stop work order or revoke a permit as described below. If the Applicant does not correct any deficiencies or, at a minimum, contact the County Engineer to discuss the deficiencies within fourteen (14) calendar days after notification, the County Engineer has the right to correct the deficiencies either through the Performance Bond, Surety Bond, or Escrow Account for the permit or as a bill submitted to the Applicant. In addition, the Final Completion and Compliance Certificate and/or Certificate of Occupancy will be withheld until the improvement conforms to the approved design.

**Stop-Work Order/Revocation of Permit**

The County Engineer may issue a Stop-Work Order or suspend or revoke a permit for the following reasons:

* The work was started without a valid permit. In addition to the permit application fee, a fine will be assessed in the amount **double the applicable permit fee**.
* A material provision or condition of the permit has been substantially breached.
* A material misrepresentation has been made in the application for a permit.
* The Applicant failed to maintain the required bonds or other security and insurance.
* The Applicant failed to complete the work within the time specified in the permit unless the failure to complete the work is due to reasons beyond the Applicant’s control.
* The Applicant failed in a timely manner to correct work that does not conform to applicable standards, conditions federal, state or local laws, rules or regulations.
* An evasion or attempt to evade any material provision of the permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the County.
* The work poses a hazardous situation or constitutes a public nuisance, public emergency, or other threat to the public health, safety or welfare.

If the Applicant does not correct any deficiencies or, at a minimum, contact the County Engineer to discuss the deficiencies within fourteen (14) calendar days, the County Engineer has the right to correct the deficiencies either through the bond or other security for the permit or as a bill submitted to the Applicant.

**All conditions that pose a hazardous situation or constitute a public nuisance, public emergency, or other threat to the public health, safety, or welfare shall be corrected immediately by the Applicant.**

**Lifting of Stop-Work Order/Reinstatement of Permit**

The County Engineer may lift a Stop-Work Order or reinstate a permit if:

* A permit application and applicable fees and fines are paid and submitted, and the County Engineer has issued a permit.
* An amended application is submitted correcting any misrepresentations included in the original permit application.
* The Applicant provides proof that the required bonds or other security and insurances have been reinstated.
* After discussions with the County Engineer, the Applicant submits a revised schedule and completion date that is acceptable to the County Engineer.
* The Applicant corrects work that does not conform to applicable standards, conditions, or federal, state, or local laws.
* The Applicant agrees to follow all provisions of the permit and makes any reparations for the perpetration or attempt to perpetrate any fraud or deceit upon the County.
* The conditions posing a hazardous situation or constituting a public nuisance, public emergency, or other threat to the public health, safety, or welfare are corrected or removed.

**Advance Public Notification**

Advance public notification may be required prior to commencing with the work. The advance public notification shall be by use of advance warning signs or message boards placed for each direction of traffic. For highways identified as a County freeway, the advance notification shall be posted at least 72 hours prior to commencing the work. The message will be as specified by the County Engineer.

**Permit Working Hours**

For all County Highways, the working hours shall be as directed by the County Engineer, but generally are considered 8:00 am to 4:00 pm.

### Existing Utility Location Drawing

For Major Maintenance and Modification or New Construction permit work, the Applicant must provide a detailed location drawing separately or as part of the plans (whichever is applicable) of all existing facilities prior to the County Engineer’s permit review of the proposed facilities.

**Traffic Control**

The Applicant is responsible for providing, installing and maintaining traffic control devices. Such traffic control devices may include, but are not limited to traffic signals, beacons, signs, protective devices, pavement markings and flaggers. To provide protection of the traveling public and the utility’s workers when working within the right-of-way, all warranted traffic control devices shall be installed and maintained in accordance with the provisions of MUTCD, the Illinois Supplement to the MUTCD and the IDOT Highway Standards (latest revisions).

Traffic Control Plan

For emergency and maintenance permit conditions that require traffic control devices, the Applicant shall submit to the County Engineer sketches, drawings or a list of traffic control standards and devices that they intend to utilize during the work.

For modification or new construction, maintenance of traffic plan sheets detailing traffic control plan, traffic stages and standards shall be required as part of the plan submittal.

Traffic Control Devices Condition

The initial erection of a traffic control installation shall not include devices that are bent, scratched, faded, worn, dirty, or otherwise present a worn and shabby appearance. The Applicant is required to conduct routine inspections of the worksite at a frequency that will allow for the prompt replacement of any traffic control device that has become displaced, worn, or damaged to the extent it no longer conforms to the shape, dimensions, color, and operational requirements of the MUTCD, and the Traffic Control Standards or no longer presents a neat appearance to motorists. A sufficient quantity of replacement devices, based on vulnerability to damage, shall be readily available to meet this requirement. All traffic control devices shall meet the current Federal standards for retroreflectivity.

Traffic Control Deficiency – Repair or Replacement

If the Applicant fails to respond within two (2) hours on the initial attempt of notification by the County Engineer, and/or fails to restore the traffic control and protection in compliance with this policy at the earliest opportunity, but in no case greater than eight (8) hours of the original attempt of notification, the County Engineer may execute such work as deemed necessary to correct the deficiencies. The cost associated with making these corrections will be drawn from the Performance Bond, Surety Bond or Escrow Account or the Applicant will be billed directly through his/her bonding company, whichever is applicable.

### Tree Cutting

The permission herein granted does not confer upon the Applicant the right to trim, cut, remove, or destroy trees or shrubs within the right-of-way that are not specifically identified on the plan or drawing attached to the permit or relieve Applicant from obtaining any consent otherwise required from the owner of the property adjacent thereto. The Applicant shall protect the root growth of any significant trees and shrubs within the highway right-of-way adjacent thereto. Significant trees and shrubs will be determined by the County Engineer.

**Erosion Control**

Temporary erosion control will be required until the restoration work is completed. Temporary erosion control measures shall be installed and maintained in accordance with the provisions of the Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control (latest edition) and/or The Clark County Storm Water Ordinance, whichever is more stringent.

**Magnetic Tape or Tracer Wire**

All new or relocated underground utility facilities placed in trenches will have warning tape installed in the trench one (1) foot above the utility. In addition, non-metallic utilities placed in a trench shall have a shielded tracer wire taped or secured to the utility. The color of the warning tape shall be as specified by J.U.L.I.E.

**Clean-up and Restoration**

The right-of-way shall be restored to a condition that is at least equal to that before the permitted work took place. The restoration shall be completed within 30 days of the completion of the work, regardless of the type of permit the work was completed under. This includes restoration of entrances, side road and shoulders. Restoration of highway surfaces will be made using CCHD approved materials and approved practices.

Special care must be taken during the day to avoid tracking mud or other material onto the highway. Mud or other material tracked onto the highway shall be removed immediately.

**Record Drawings for Emergency and Minor Maintenance Work**

### If the emergency or maintenance work required a physical change in the location of the permitted facilities, the Applicant shall submit a set of Record Drawings to CCHD within 60 calendar days after the completion of the work. The deviation shall be identified and shall be treated as a request for variance in accordance with this section. If the County Engineer does not reject the Record Drawings within 60 calendar days after their receipt, they will be considered approved. If the County Engineer disapproves the Record Drawings, then the Applicant shall either remove the facility from the right-of-way or modify the facility so that it conforms to the permit requirements. Record Drawings will also be required for Modification or New Construction work.

**Review Cost**

Permit types marked with an (\*) asterisk, such as Modification or New Construction, pavement open-cuts and non-public utility permits may require additional pass-through consultant-review costs. Permits fees that include a base fee plus other costs must be discussed with the County Engineer to determine the total fee.

**Vehicle Delay Cost**

Where it is impossible to maintain normal traffic flow through the work site a temporary detour shall be put in place. When a temporary detour exceeds the normal travel times for the closed highway CCHD will implement a Vehicle Delay Cost that will factor in the road mileage, motorist delay time and loss of pay on a per day basis for every day the detour is in place (see formula below). The Vehicle Delay Cost shall be paid to the Clark County Highway Department once the detour has been completed.

Vehicle Delay Cost = $0.12 x ADT x D x L where,

* ADT is the average daily traffic as determined by the County Engineer
* D is the duration of the proposed detour in days
* L is the total length of the detour in miles

This equation can be used to estimate the Vehicle Delay Cost. The final vehicle delay cost shall be determined by the County Engineer.

**Usage Fees**

The fee established at the time of permit issuance by the County Board and/or the County Engineer for the use of County right-of-way for placing utility facilities. This fee applies only to the placement of non-public utilities.

**Fines**

In addition to the permit application fee, a fine will be assessed when work, event or activity within the County right-of-way has commenced without a permit. The fine will be assessed in the amount **double** the applicable permit fee.