

761—115.10(306A) Construction responsibilities and procedures.

115.10(1) *Permit required before work may begin.* The utility owner shall not commence construction work in the primary highway right-of-way until it has received a utility accommodation permit from the department for the work.

115.10(2) *Notice of construction.* The utility owner shall give the district representative at least 48 hours' prior notice of its intent to start construction within the right-of-way.

115.10(3) *Authority of the district representative.*

a. The district representative has the authority to resolve any issues or concerns that arise regarding the intent of the permit and compliance therewith, as they relate to the condition of the highway.

b. During the progress of the work, the district representative may approve minor alterations in the plans or character of the work, as they relate to the condition of the highway, that the district engineer deems necessary or desirable to satisfactorily complete the work. Such an alteration is not a waiver of the permit nor does it invalidate any provision of the permit.

115.10(4) *Work in progress.* The utility owner is responsible for the care and maintenance of partially completed work within the right-of-way. Unless otherwise authorized by the permit or the district representative, all work performed within the right-of-way is restricted to a time frame of 30 minutes after sunrise to 30 minutes before sunset.

115.10(5) *Authority of department to inspect and approve.*

a. The department may inspect and approve any construction work performed within the right-of-way as it relates to the condition of the highway.

b. The utility owner shall provide reasonable cooperation.

115.10(6) *Department inspectors.* The department may appoint inspectors to represent the department in the inspection of construction. Inspectors are placed on the job to keep the district representative informed of the progress of the work and the manner in which it is being performed, and to call to the utility owner's attention any infringements of the permit. The inspectors shall not:

a. Modify in any way the provisions of the permit.

b. Delay the work by failing to inspect the work with reasonable promptness.

c. Act as a supervisor for the work or perform any other duties for the utility owner or its contractor.

d. Improperly interfere with the management of the work.

e. Approve or accept any portion of the work on behalf of the department.

115.10(7) *Repair and cleanup.* Prior to the department's final inspection, the utility owner shall:

a. Upon notification by the department, immediately make any repairs to the right-of-way that are necessary due to the construction work.

b. Remove from the right-of-way all unused materials and rubbish resulting from the work and leave the right-of-way in a clean, presentable condition.

115.10(8) *Final inspection.*

a. Upon notification by the owner of the utility facility or its authorized representative that the work is complete, the district representative may inspect each item of work included in the permit as it relates to the condition of the highway.

b. If the district representative finds that the work is not in compliance with the permit, the district representative shall provide to the utility owner written notice of the particular defects found. The owner is responsible for remedying these defects in a timely manner.