

761—115.8 (306A) Utility accommodation permit.**115.8(1) Application for permit.**

a. To apply for a utility accommodation permit, the utility owner shall submit an application to the appropriate district representative on a form prescribed by the department.

b. If the utility facility will cross or impact a county road connection, the application must be approved by the county. If the facility is within corporate limits of a city, the application must be approved by the city. The utility owner is responsible for obtaining these approvals prior to submitting the application to the department.

115.8(2) Permit.

a. At a minimum, a utility accommodation permit allows:

(1) The applicant (the utility owner) or its representative to perform the work covered by the permit.

(2) The utility facility described in the permit to occupy the right-of-way.

(3) The utility facility to be operated and maintained.

b. A utility accommodation permit does not convey a permanent right of occupancy.

115.8(3) Plan. Each permit application shall be accompanied by a plan showing the following:

a. Location of the utility facility by route, county, section, township, range, milepost and highway stationing, where these references exist.

b. Highway centerline and right-of-way limits.

c. Location of the utility facility by distance to the nearest foot at each point where the facility's location changes alignment, as measured from the:

(1) Centerline of the highway on nonfreeway installations.

(2) Right-of-way fence on freeway installations.

d. All construction details including the:

(1) Depth of burial.

(2) Types of materials to be used in the installation.

(3) Operating pressures and voltages.

(4) Vertical and horizontal clearances.

(5) Traffic control plan prepared by a person knowledgeable in work zone traffic control, or a reference to a standard traffic control plan of the department.

115.8(4) Discharging into waterways.

a. A permit application for the placement of a utility facility that will discharge materials into the nation's waters must be accompanied by satisfactory evidence of compliance with all applicable federal, state and local environmental statutes, ordinances and regulatory standards.

b. The utility owner is responsible for obtaining all necessary approvals from the appropriate agencies. The department will not issue a permit until these approvals are obtained.

115.8(5) Department action on permit application.

a. The department shall act on the permit application within 30 days after its filing with the appropriate district representative. If an emergency should exist, the department shall act on the application as expeditiously as practical.

b. Failure on the part of the utility owner to provide complete information may result in a delay in the department's taking final action on the application.

115.8(6) Changes to work. Changes in the work as described in the original permit require the prior approval of the department.

115.8(7) Copy of permit at job site. The utility owner or its contractor shall have a copy of the permit on the construction site at all times for examination by highway officials.

115.8(8) *As-built plans.*

a. Within 90 days after completion of construction, the utility owner shall submit to the district representative an as-built plan or a letter certifying that the actual placement of the utility facility is as described in the original permit.

b. If the utility owner fails to submit the as-built plan or letter within the time required, the department may hire an independent contractor to locate the utility facility and prepare an as-built drawing. All costs associated with this activity are the responsibility of the utility owner.

c. Any costs incurred by the department or its contractors due to incorrect as-built information supplied by the utility owner or deviations in actual placement from that described in the original permit are the responsibility of the utility owner.

115.8(9) *Transfer of permit.* A new utility accommodation permit is not needed when a utility facility is transferred or leased in its entirety. The requirements of the permit and this chapter remain in force for as long as the utility facility continues to occupy the right-of-way and serve its intended purpose. The transferee or lessee shall submit the following information to the appropriate district representative:

a. The name and address of the transferee or lessee.

b. Geographical area involved in the transaction.

c. Designated telephone number for notification purposes.

115.8(10) *Expiration of certain permits.* See subrule 115.16(12) for permits covering longitudinal occupancy of freeways.