

## **UTILITY ACCESS TO PUBLIC RIGHTS-OF-WAY**

### **Section 1.0 Utility Use within County Rights-of-Way**

From and after the date of these regulations, all new and existing utility usage of county-maintained road right of way shall be approved for the right of use under the authority of the County Commission and subject to the terms and conditions of these regulations. Nothing in this rule shall permit noncompliance with the requirements of a regulatory agency regarding construction of utility facilities. All utility service providers having utilities located in county-maintained road rights-of-way shall comply with the requirements of these regulations, subject to the provisions for reimbursement for construction and relocation expense identified.

The County may require public and private utilities located within county-maintained road rights-of-way to relocate and/or perform planned repairs or improvements to utilities located within the road right-of-way when necessary for completion of County road maintenance, improvement, reconstruction, or construction project. The County shall provide the public and/or private utility providers affected by the planned project with a schedule of work to be performed within the road right-of-way. This schedule will allow sufficient time for the utility providers to plan for relocation, repair, or improvement to the affected utilities. Utility repairs and improvements shall be performed by the utility providers in a timely manner in coordination with the County Road Department in order that the road project is performed in a timely and efficient manner.

A deposit or bond is required prior to any construction for a new utility or maintenance of an existing utility within a County maintained right-of-way, unless Missouri Statutes provide for other financial security. The amount of the bond or deposit will be based upon the impact of the utility work upon the County road or inflation of prices. The amount will be identified when the utility service provider provides the County with a request for approval and construction plans of the proposed improvements for the work to be done within the right-of-way. No routine maintenance or planned utility work may start within County Right-of-Way without approval from the County Commission.

### **Section 2.0 Utility Relocation Expense**

The expense of relocating public or private utilities in connection with a County maintained road project depends upon the scope of the County project, impact of the project on the utilities within the right-of-way, and the existence of a utility easement. Any project where there is a public or private utility easement that predates the County maintained road right of way, the County may pay some, or all, of the expense of relocating the utilities to avoid the proposed road improvements in accordance with these regulations. Each project will be negotiated with the impacted utility. On County road projects that impact utilities where the utility does not have an easement or where the easement does not predate the County maintained road right-of-way, the expenses incurred for all related utility work will be paid for by the utility.

County projects may require that the public or private utility provider relocate utilities within the County right-of-way or in some cases onto private easement(s) outside of the right-of-way. As identified in these regulations, the utility service provider will pay for all costs associated with the relocation if provider does not have a deeded right-of-way that predates the county road right-of-way. The relocation of utilities will be required when it is necessary to preserve or promote public safety or for reasons required by the engineering of the road project. Upon order of the County Commission, the County shall pay such public or private utility the fair and reasonable expenses associated with the acquisition cost of the easement and relocation expenses. The reimbursable costs do not include repair and improvements that were accomplished at the same time of the relocation by the utility.

The determination by a utility service provider to relocate the utility outside of the County maintained right-of-way in association of a County road project without a requirement of the County will be accomplished at the expense of the utility provider. The work by the utility provider will be scheduled in a manner that will not delay the County road project.

### **Section 3.0 Utility Construction, Repair and Improvement**

All public and private utilities within County right-of-way shall be constructed, reconstructed, or improved meeting these regulations and the best management practices and industry standards of the respective utility. Failure of a utility to meet the requirements of these regulations will be grounds for the County to require relocation of the utility outside of the right-of-way at the expense of the utility provider. All utility construction and reconstruction within the County right-of-way will be approved by the County based upon construction drawings submitted to the County for approval for the impact and mitigation on the County right-of-way. Utility repairs will require the utility provider to contact the County about the intended repairs and identify the impact upon the County right-of-way. The County will approve all utility work that impacts the County right-of-way prior to the work being started.

Utilities impacted by County road projects will be repaired, improved or upgraded as part of the road project to the extent possible. The utility company shall notify the County of the utility improvements planned in the area of the County project as promptly as possible after receipt of the County project schedule. The utility service provider(s) shall perform preliminary work to eliminate future excavation and damage to newly paved roads surfaces, curb, gutter and drainage structures.

Utility Construction, Repair, or Improvement that causes damage to the County roadway or right of way will be repaired in a timely manner by the Utility at their expense. Any damage to a County roadway or right-of-way caused by a utility provider that is not repaired in a timely manner will be repaired by the County or a Contractor representing the County and the Utility that damaged the roadway or right-of-way will be billed for the work incurred by the County. Failure by a Utility to repair damage to County right-

of-way caused by the utility will be grounds for the County to refuse future use of County right-of-way, and/or pursue litigation.

#### Section 4.0 Underground Utilities

Underground utilities shall meet the following minimum depth of burial requirements for utility construction and reconstruction. Encasement is required for all buried utility right-of-way crossings and within three (3) feet of all pavements.

Utility	Depth of Burial		Minimum Required Encasement Material
	Parallel	Crossing	
Cable TV/Telephone (non-fiber)	24 in.	30 in.	Duct (enclosed tubular casing or raceway)
Fiber Optic Cable	30 in.	42 in.	Duct (enclosed tubular casing or raceway)
Electric	30 in.	30 in.	Duct (enclosed tubular casing or raceway)
Copper Cable	24 in.	30 in.	Duct (enclosed tubular casing or raceway)
Natural Gas (PE plastic)	30 in.	30 in.	Smooth wall, welded steel pipe
Sewer, non-pressure	30 in.	30 in.	None if PVC SDR 35, reinforced concrete, or cast iron otherwise smooth wall, welded steel
Sewer, pressurized	30 in.	30 in.	Smooth wall, welded steel pipe, PVC SDR 35
Water, 2 inches or less	42 in.	42 in.	None if copper, Type K with no joints
Water, greater than 2 in.	42 in.	42 in.	Smooth wall, welded steel pipe, PVC SDR 35
Welded Steel Pipelines	30 in.	30 in.	See note on pipelines carrying gaseous or liquid petroleum products

Encasement required in this regulation means the placing of a conduit around and outside of an underground facility consisting of a larger conduit, which will permit the removal and replacement of the facility. Conduits used for encasement shall be new material or equivalent and shall conform to the requirements of the latest revision of ASTM or AWWA for the material used.

Underground utilities shall be continuously encased under the roadway, median, ramps, and shoulder areas with the casing extending to the toe of the fill slopes to the ditch line. On roads with a curb, the encasement shall extend outside the outer curb of the roadway a distance equal to the depth of the encasement at the curb line.

Pipelines carrying gaseous or liquid petroleum products that are cathodically protected against corrosion and triple coated in accordance with accepted pipelines construction standards will not require encasement.

Minimum wall thickness for casing shall meet the latest requirements for the diameter as stated in the latest revision of the Missouri Highway and Transportation Commission Specifications for smooth wall, welded steel pipe.

Buried utilities located parallel to the roadway shall be located within 5 feet of the normal right-of-way line on roadways where the County has a deeded 50-foot wide right-of-way. On roads where the County has a 30-foot wide right-of-way identified by statute, the buried utility shall be located outside of the County right-of-way. Except that existing underground facilities (other than sanitary sewers) which are located underneath the existing roadway may be left in place where it is impractical to relocate the facility, provided that maintenance and service can be performed without cutting or damaging existing pavement, or interfering with the construction, maintenance or operation of the roadway.

Sanitary sewers shall be considered individually and removed or left in place contingent upon age, condition, and the impact of relocation. The primary consideration will be whether service and maintenance can be performed on the sewer system without damaging the roadway surface.

All new facilities shall be installed and maintained without cutting or damaging any paved roadway surface except when rock or other obstructions prevent boring or pushing operations. In these cases, exceptions may be granted by the County to allow a pavement cut if the utility can identify sufficient need. Cutting pavements shall not be allowed without written permission from the County. Permission to cut any asphalt pavement will require that the cut be made with a pavement saw with minimum impact on the asphalt surface. Where the County grants cutting or trenching approval, all trench bedding and backfill shall conform to the typical trench detail provided by the County.

A minimum deposit of \$2500 is required prior to any construction for a new utility or maintenance of an existing utility within a County maintained right-of-way, unless Missouri Statutes provide for other financial security. The amount of the deposit may be greater than \$2500 based upon the impact of the utility work upon the County road or inflation of prices. The amount will be identified when the utility service provider provides the County with a request for approval and construction plans of the proposed improvements for the work to be done within the right-of-way. No routine maintenance or planned utility work may start within County Right-of-Way without approval from the County Commission.

Utility providers may elect to use materials other than those identified as long as the materials and encasement meet latest industry standards. The utility provider accepts responsibility for all repairs and replacement of County facilities should failure occur do the construction of the utility.

Buried utilities shall be marked with a detector tape located one (1) foot above the buried utility. Locator wire shall also be provided and directly buried with the utility so as to be able to locate the utility using magnetic/multi frequency equipment.

### **Section 5.0 Overhead Utilities**

Parallel overhead utilities are allowed on the right of way provided that the poles are within 2 feet of the normal right-of-way line where the County owns a 50-foot wide right-of-way. On roads where the County has a right-of-way identified by statute of 30 feet, utility poles shall be located outside of the County right-of-way. It is recommended that poles be placed at least 25 feet from the road centerline. Existing overhead facilities that parallel an existing roadway and are within the County right-of-way may remain in place if their existing location does not interfere with construction, maintenance, or operation of the road. Careful consideration shall be given to the location of guys, anchors, braces and other supports. Design procedures will be used to minimize encroachment on County right-of-ways.

Vertical clearance for overhead crossings of new and existing electric overhead installations shall not be less than the current minimum requirements of the National Electric Safety Code, but in no case less than 18 feet. Other overhead utilities shall meet the minimum height requirement of 18 feet.

### **Section 6.0 Utilities within Subdivisions**

The process for approval of County road right-of-way within subdivisions means that road right of way acceptance occurs after all subdivision work has been completed. For the purposes of these regulations, the approval of the road right-of-way will occur at the same time of acceptance of the utilities within the road right-of-way. All utilities parallel to the roadway will be placed outside of the County right-of-way. It is recommended that a utility corridor of at least twenty feet in width be established outside of the county right-of-way for the placement of all utilities. The acceptance of the utilities within the right-of-way must be accompanied by a certificate of compliance signed by a registered professional engineer stating that the utilities installed meet these regulations and installed in accordance with the construction plans previously approved by the County Commission.

All underground utilities within the right-of-way to be accepted by the County must comply with these regulations and all anticipated roadway crossings within the subdivision must be in place prior to County acceptance of the roadway.

### **Section 7.0 Utilities Attached to Bridges and Culverts**

The type of utility must be carefully considered before approving its attachment to a structure. Gas or petroleum product pipelines have the potential to be very dangerous and are NOT permitted to be attached to structures. Electric lines will be located to cause minimum exposure to County maintenance employees and the public.

For utilities attached to an existing structure that is to be removed, relocated, reconstructed, repaired or improved, the utility is responsible for the cost of removing, relocating and/or reattaching the utility to the structure.

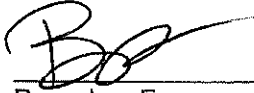
Maintaining the structural integrity of any structure is a priority when developing plans for attaching utilities to a structure. Attachment details shall be prepared by Missouri Licensed Professional Engineer and approved by the County.


Utilities attached to a structure should be made on the underneath side of the bridge deck. Utilities attached to structures over streams should be on the downstream side of the structure and above the lowest superstructure element so as to not block the usable open area of the structure. At no time will utilities be attached to any structure railings or guardrails.

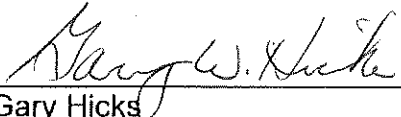
Adopted this 30<sup>th</sup> day of May, 2024

APPROVED AS TO FORM:

  
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Joey Auxier  
Presiding Commission

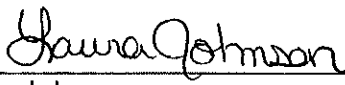
  
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Prosecuting Attorney

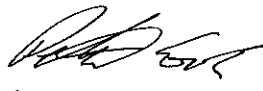
  
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ATTEST:

  
\_\_\_\_\_  
Laura Johnson  
County Clerk

by   
Deputy County Clerk