

## APENDIX I

### POLICY FOR THE CONSTRUCTION OF UTILITIES WITHIN ROAD RIGHT OF WAY

#### PURPOSE:

This policy is to set forth the Crested Butte South Metropolitan District's (the "District's") guidelines to prevent road and drainage failure from utility construction within the District's road right of way. Compliance with these guidelines is mandatory, unless a written waiver has been provided by the District Manager. Regardless, in no event shall any utility construction commence within a District right-of-way prior to the issuance of a written permit from the District.

#### Underground Utilities

- A. Where the installation crosses a paved roadway, it shall be made by boring or jacking beneath the road surface. Open cutting shall be allowed to the edge of the shoulder portion of the road. No water shall be used in boring and no tunneling shall be permitted. In no circumstance shall an existing culvert be used for an installation of a new underground utility. The District Manager may authorize pavement cuts based on the condition of the asphalt and known soil conditions in the area.
- B. Pavement cuts are permitted when: two unsuccessful attempts have been made to bore or jack the installation; conflicting utilities place constraints as to elevation or alignment on the proposed installation; connecting to an existing utility located beneath the paved portion of the roadway; approved by the District Manager in advance.

Cutting existing asphalt shall be accomplished so as to provide a neat even line perpendicular to the centerline of the roadway, unless otherwise approved by the District Manager in advance.

- C. When an open cut is allowed, the permittee is responsible for restoring the disturbed portion of the roadway to its original condition. In road base, 3/4-inch class 6 road base, preferably from the McCabe's Lane Pit or an equivalent fractured road base, must be used for the topcoat. The disturbed area shall be repaired within forty-eight hours from the time of excavation, or twenty-four hours from completion of the project within the roadway. When weather conditions prohibit complete repair, the cut must be left in an acceptable condition for the public to use. The final repair must be done as soon as weather permits. Any repairs not completed within forty-eight hours must be pre-approved by the District Manager.

Tests shall be performed at thirty-foot intervals for trenches one to one hundred twenty feet in length, fifty-foot intervals for trenches one hundred twenty to three hundred feet, and one hundred-foot intervals for trenches over three hundred feet in length. Permittee shall bare all expenses for testing fees and repair costs. The District reserves the right to conduct in-place density tests to confirm the permittee's density test results and require retesting of areas where conflicting test results are obtained.

Compaction control testing and documentation of results may be waived by the District Manager upon submittal of an acceptable surety guaranteeing repair or replacement of failures within a one-year period after completion of the last repair.

Structural backfill (flow fill) meeting an approved design containing Portland cement, water, coarse aggregate and fine aggregate and, resulting in a maximum of 60 psi in 28 days may be used at the approval of the District Manager. Compaction of this type of structural backfill will not be required if material meeting the approved design is used. ¾ inch or 1 ½ inch washed rock may be substituted with compaction for every two-foot lift.

Hot Bituminous Pavement Mix Grading C, CX, G, or R as defined by the Department of Highways, Division of Transportation, State of Colorado, Standard Specifications for Road and Bridge Construction, latest edition, shall be used for patching material, except when unavailable, during which time a temporary cold mix patch shall be allowed. Temporary patches shall be replaced with hot mix patches within five working days after material becomes available. The layer of patching shall be as thick as the original road surface, and in no case less than two inches. Asphalt cuts shall be twenty-four inches wider (twelve inches per side) than the width of the excavation.

Permittee shall be responsible for patch failure and subsequent surface settlement for a period of twelve months after completion of patching.

Repairs to failed patches may be made by the District and billed directly to the permittee.

- D. No underground utility may be installed within a road right-of-way if such installation would interfere, in any fashion whatsoever, with any existing utility installation or water course, including a corral, ditch or culvert, except with the prior written authorization of the owner of the existing utility installation or water course.
- E. The traveling public must be protected during the repair or installation of utilities with proper warning signs or signals.
- F. Utility placement by plowing may be allowed. Plowing shall not occur across paved roads. Where plowing operations occur across the roadway prism and result in an open cut, backfilling shall be done in accordance with section C.
- G. Full road closure due to utility installation must be approved and executed by the District.
- H. No cledated or tracked equipment shall work on or move over asphalt surfaces without mats.
- I. Any materials excavated as the result of utility installation shall be removed from road surface each day unless material is serving as a barrier to an open excavation. The District Manager may require that road surfaces be washed.
- J. Requests for utility permits should allow 48 HOURS for a field review by the District prior to the issuance of any permit.
- K. A copy of the fee schedule for Underground Utility Permits is available from the District. Failure to obtain a permit when working within the District right-of-way may result in a fine of up to \$1,000.00. The District reserves all of its rights to pursue any and all remedies available at law and equity in the event work within a District right-of-way occurs without a permit issued by the District.

- L. Road cuts for utility installation or repair made parallel to the centerline of the road, and which cause damage to, or required the removal of asphalt in any traffic lane, require the replacement of asphalt to the full lane width throughout the disturbed section unless a waiver is obtained from the District Manager.
- M. No utility installations within a District right-of-way will be allowed after October 15<sup>th</sup> or before May 1<sup>st</sup> of any year, and no placement of underground utilities will be allowed when there is more than four inches of frost present.
- N. The permittee shall be responsible for the complete reclamation of areas disturbed within the right-of-way to prevent the introduction and/or spread of noxious weeds and soil erosion. Soil disturbance of 500 square feet or greater must be revegetated. Revegetation requirements for soil disturbance less than 500 square feet will be at the discretion of the District Manager.
- O. The permittee shall be responsible for noxious weed control in disturbed areas utilizing Integrated Weed Management (IWM) practices. State law, C.R.S. § 35-5.5-101 *et seq.*, and the Gunnison Basin Integrated weed Management Plan; Gunnison County Board of County Commissioners' Resolution 95-74, require that certain noxious weeds be controlled. Noxious weed infestations, to be controlled, should be properly identified to determine proper control measures. Noxious weeds can be controlled by utilizing one or more of the following IWM practices: 1) biological control, 2) cultural control, 3) herbicidal control, or 4) physical control. Contact Gunnison County Weed Specialist for the current list of noxious weeds mandated by law to be controlled and for assistance in weed identification and control methods.

## Road Cut Permits

A road cut permit is required for any work being done in the Crested Butte South Metropolitan District's roadways or easements. The road cut permit is required for the excavation contractor doing the work in the roadways or easements, not the general contractor or homeowner. The road cut permit fee of \$50.00 is nonrefundable. Failure to obtain a road cut permit prior to start of work may result in a fine of up to \$1,000.00, and all work must stop until the fine is paid in full by the violator. When a road cut permit is allowed in paved and gravel roadway surfaces, the disturbed area shall be repaired to **(its original condition)** within forty-eight (48) hours from the time of excavation. Pre-approval must be made by the District Manager if for any reason repairs are not made by within this timeframe. Failure to complete final clean up **(back to original condition)** within this timeframe shall result in the District performing the clean-up, and the violator being responsible for all costs thereof.

## Guidelines for Successful Construction in Road Easement and Utility Easements

1. No ditch can remain open for more than 48 hours. The District is not responsible for open excavations, and the excavation contractor performing the work hereby agrees to indemnify the District from any and all damages or claims resulting from any such open excavations. Excavation in District road easements cannot remain open overnight. Failure to have ditches backfilled and compacted by 5:00 p.m. will result in a \$1,000.00 fine per night.
2. All District driving surfaces shall be backfilled with  $\frac{3}{4}$  - 1  $\frac{1}{2}$  washed or screened rock or flow fill. This includes BOTH PAVED AND GRAVEL ROADWAY SURFACES, with the top lift being  $\frac{3}{4}$ " road base at least 6" deep. The road base shall be class 6  $\frac{3}{4}$  road base from McCabe's Lane pit in Gunnison. The owner is responsible for repairing any settled ditches. Please call for inspection of top 6" of gravel in road cuts at 970-349-5480.  $\frac{3}{4}$ " washed rock,  $\frac{3}{4}$  road base for road surface repair and  $\frac{3}{4}$  or 1  $\frac{1}{2}$  washed or screened rock for backfilling must be on-site before construction can commence. If flow fill is going to be used it shall be ordered for same day before digging starts. Road easements shall be compacted to 90% density (from edge of road to start of private property). It is the contractors' responsibility to haul off all spoils from excavation.
3. The project is not complete and shall not be signed off on by the District until all locate flags and whiskers are cleaned up. If the contractor has left the subdivision, the District will clean up the flags and whiskers with a fee of \$200.00 billed to the contractor.
4. Storing materials on public easements or road surfaces is not allowed. When gravel is brought in for roadway surfaces it shall be dumped and spread same day. No construction materials shall be in the roadway surface overnight. Failure to comply with this requirement shall result in a \$1,000.00 per night fine, unless otherwise approved by District Manager in advance.
5. All service line taps MUST be bedded with a minimum of 6" of  $\frac{3}{4}$ " washed rock at the main. Road base can no longer be used to bed at the main. It is recommended to bed the entire service line with the  $\frac{3}{4}$ " washed rock but this is only required by the District at the tap.
6. Topsoil is not considered bedding.
7. All service lines will be in separate ditches a minimum of 10 feet apart in straight alignment.

8. The curb stop will be located 5 feet from the property line if on the street and 10 feet from the property line if in the easement. Prior approval is necessary for alternative placement if this is not possible.
9. No service lines shall be laid parallel to or within three feet of any bearing wall.
10. The District will endeavor to inspect all service lines within 24-hours of an inspection request. Service lines must be inspected before being bedded and backfilled.
11. Any damage to the District's water and sewer system or road right of way will be the responsibility of the excavation contractor performing the work, the general contractor for whom such contractor is working, and ultimately, the owner for whom the work is being done. Damage to District's water and sewer mains or owner's service lines must be reported immediately to 970-349-5480.
12. All work shall be performed in compliance with the rules and regulations of the District and the United States Occupational Safety and Health Administration.
13. Final grade on the property must not interfere with any drainage or any other aspects of the road in the District's road easement. No landscaping or other improvements are permitted in the District's road easements so that the District has the ability to maintain roads properly. This includes fences, berms, trees, rocks, etc. The District is not liable for damage to anything that is located in the road easement.
14. Digging in the District's easements and tapping the District's mains is not allowed between October 15 and May 1. All road cuts made with the intent of tapping into the District's sewer or water mains must be commenced no later than 9:00 a.m.

**CRESTED BUTTE SOUTH METRO DISTRICT  
PERMIT APPLICATION FOR WORK IN RIGHT-OF-WAY**

Date Application Received: \_\_\_\_\_ Construction Completed on or Before: \_\_\_\_\_ Permit#: \_\_\_\_\_

Payment:      Fee: \_\_\_\_\_      Cash: \_\_\_\_\_      Check#: \_\_\_\_\_

Road Surface:     Asphalt     Chloride/Gravel     Gravel     Native

Depth of Trench:  2 Feet     3 Feet     4 Feet     5 Feet     6 Feet     6+ Feet

Permission is hereby requested to perform utility construction work within the right-of-way of District road know as: \_\_\_\_\_ Specific work location: \_\_\_\_\_

Type of Work:  Phone     Electric     CATV     Gas     Water/Sewer     Other \_\_\_\_\_

Excavation Type:     Boring     Plowing     Backhoe/Excavator     Other \_\_\_\_\_

Comments and Additional Conditions:

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**LOCATION OF THE PROJECT**

**NO UTILITY INSTALLATIONS WITHIN DISTRICT RIGHT-OF-WAY WILL BE ALLOWED AFTER  
October 15th OR**

**BEFORE MAY 1<sup>ST</sup> OF ANY YEAR**

**READ CAREFULLY**

This permit is granted expressly subject to the conditions, specifications, fines, and penalties set forth by the Crested Butte South Metro District (the "District") Rules and Regulations, Appendix I: Construction of Utilities within Road Right-of-Way (the "Rules")

- All labor and materials shall be furnished by the applicant, contractor, developer, owner, or governmental agency requesting or performing the work (as applicable, and collectively, the "Permittee"), and the Permittee hereby assumes all responsibility and liability for any and all damages or claims resulting from said installation, hereby indemnifies the District for any and all damages or claims resulting from said installation, including but not limited to any costs of suit and attorney's fees incurred by the District, and hereby agrees to pay for any and all repairs that must be made to this portion of the roadway or right-of-way resulting from installation for the life of the utility.
- In the event any changes are made in said roadway or right-of-way in the future that would necessitate the removal or relocation of said installation, the Permittee will do so at their own expense upon written request from the District.
- The Permittee represents that it, its employees, agents and subcontractors are covered by workmen's compensation insurance.
- This understanding and agreement will be binding upon your respective heirs, executors, administrators, successors and assigns, as applicable.
- The permittee agrees that permittee shall pay the District's costs and attorney's fees for enforcement of the requirements of this permit.
- When an open road cut permit is allowed in paved roadway or gravel roadway, the disturbed area shall be repaired within 48 hours from time of excavation, unless a written waiver is provided by the District Manager.
- All trenches shall be compacted and backfilled in the roadway the same day. Any exceptions will need to be pre-approved, in writing, by the District Manager.
- All traffic control will be the Permittee's responsibility at Permittee's expense and conducted in accordance with the Rules.
- Any full road closures must be approved and executed by the District.
- All road cuts made with the intent of tapping into the District's sewer or water mains must commence no later than 9:00 a.m.

- Failure to complete final cleanup (back to original condition) within 48 hours from time of excavation shall result in the District performing the clean-up, and the Permittee being responsible for all costs thereof.
- A \$50.00 fee will be required with this permit application for work in right-of-way.
- The project is not complete and will not be signed off on until all the locate flags and whiskers are cleaned up. If contractor leaves the subdivision, the District will perform the necessary clean-up and bill the Permittee a fee of \$200.00.

I acknowledge that I have read this application and the Rules. All of the information provided herein is correct under penalty of perjury. I personally, and on behalf of Permittee, agree to comply with the Rules, all conditions and requirements contained herein, as well as any additional special conditions and requirements the District imposes on the issuance of this permit. Permittee and I agree to comply with any and all governmental codes, regulations, ordinances, laws, and/or restrictions that apply to this project. Permittee and I understand that failure to comply with the foregoing may result in legal action against me and Permittee.

Business Name:

\_\_\_\_\_

Mailing Address:

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Signature:

\_\_\_\_\_

Print Name:

\_\_\_\_\_

Crested Butte South Metropolitan District Approval:

\_\_\_\_\_

Print Name:

\_\_\_\_\_

Date: \_\_\_\_\_