

GENERAL PROVISIONS FOR UTILITY INSTALLATIONS

Applicability

The provisions set forth in this document are applicable for all projects that include the installation of any utility component within the right-of-way of the Lee County Highway Department for which a permit has been granted. The term "County" in the following paragraphs shall refer to Lee County. These provisions are considered to be supplemental to the specific installation details as shown on the supporting documents included with the permit request.

This permit is subject to the conditions and restrictions established in accordance with the Illinois Highway Code and Part 530 of Title 92 of the Illinois Administrative Code including but not limited to the following:

- (1) The applicant represents all parties in interest and shall furnish material, do all work, pay all costs and shall in a reasonable length of time restore the damaged portions of the highway to a condition similar or equal to that existing before the commencement of the described work, including any landscape restoration necessary. (See Section 530.250 of Title 92.)
- (2) The proposed work shall be located and construction to the satisfaction of the County Engineer or his duly authorized representative. No revisions or additions shall be made to the proposed work on the right-of-way without the written permission of the County Engineer or his duly authorized representative. (See Section 530.200 of Title 92.) In certain circumstances the County may require that the construction plans and/or the as-built documents be sealed by an Illinois Registered Professional Engineer. Typical of such projects would be petroleum or gas pipelines.
- (3) The applicant shall at all times conduct the work in such a manner as to minimize hazards to vehicular and pedestrian traffic. All signs, barricades, flaggers, etc., required for traffic control shall be furnished by the applicant. (See Section 530.240 of Title 92.)
- (4) The applicant must ascertain the presence of Highway Authority Agreements established in accordance with 35 Ill. Admin. Code Section 742.1020 in the path of its proposed installation and take precautions to protect its workers, human health and the environment in those areas. (See Section 530.240 of Title 92.) Where contamination is encountered through excavation in the ROW, it should be managed offsite.
- (5) The applicant shall not trim, cut or in any way disturb any trees or shrubbery along the highway without the approval of the County Engineer or his duly authorized representative. (See Section 530.600 of Title 92.)
- (6) The facilities authorized to occupy the right-of-way by this permit are subject to removal, relocation or modification by the permittee at no expense to the County on notice given by the County in accordance with Section 9-113 of the Illinois Highway Code, as amended. Permittee shall cooperate with the County with the scheduling of any removal, relocation or modification deemed necessary for highway or highway safety purposes. Use of and compliance with current IDOT Traffic Control Standards will be required.
- (7) The permittee agrees to fully comply with the following legal obligations in advance of entering and while upon any Right-of-way within the County Highway System.
 - a) Open cutting of roadways will not be permitted.
 - b) Only a permit issued by the County under this Part will satisfy the "written consent" requirement of Section 9-113 of the Illinois Highway Code (the Code).
 - b) A permit from the County grants a license only to undertake certain activities in accordance with this Part on a County right-of-way, and does not create a property right or grant authority to the permittee, to impinge on the rights of others who may have an interest in the right-of-way. Such others might include an owner of an underlying fee simple interest if the right-of-way is owned as an easement or dedication of right of way, an owner of an easement, or another permittee.
 - c) It shall be the responsibility of the permittee to ascertain the presence and location of existing above-ground or underground facilities on the highway right-of-way to be occupied by their proposed facilities. The County will make its permit records available to a permittee for the purpose of identifying possible facilities. When notified of an excavation

or when requested by the County, a permittee shall locate, physically mark, and indicate the depth of its underground facilities within 48 hours excluding weekends and holidays.

- d) The permittee shall avoid conflicts with any existing underground or above-ground facilities on or near the highway right-of-way. Both the County and J.U.L.I.E. are to be contacted for assistance during the application process.
- e) The permittee shall comply with all other applicable laws relating to the placement of utility lines.
- f) The issuance of a utility permit by the County does not excuse the permittee from complying with any existing statutes, local regulations or requirements of the County (e.g., oversize and overweight vehicles) or the requirements of other County or State agencies including, but not limited to, the following:

Illinois Commerce Commission
Illinois Department of Agriculture
Illinois Department of Natural Resources
Illinois Department of Mines and Minerals
Illinois Environmental Protection Agency
Illinois Historic Preservation Agency

- g) Rights of abutting and underlying property owners are protected by common law and Sections 9-113 and 9-127 of the Code. The permittee will address these rights prior to initiating activities on County right-of-way. The County will not be a party in any negotiations between the utility and abutting property owners.
- h) In no case shall the permit give or be construed to give an entity any easement, leasehold or other property interest of any kind in, upon, under, above or along the County highway right-of-way.
- i) Each person responsible for a utility, in place on the effective date of this Part, on a County highway right-of-way shall notify the County in writing, if that facility does not comply with this Part. The County shall treat such a notice as a request for a variance under Section 530.130. Until informed that a variance will not be granted, a person responsible for a pre-existing utility will not be in violation of this Part. The failure to provide such notice constitutes a violation of this Part and of the utility accommodation permit (if any) and would justify the imposition of the sanctions set forth in Section 530.810.