



McKenzie County
1300 12th Street SE, Suite 240
Watford City, ND 58854
Ph. 701-444-2600
county.mckenziecounty.net

MCKENZIE COUNTY ROAD AND BRIDGE DEPARTMENT
TEMPORARY UTILITY PERMIT POLICY

POLICY

A Temporary Utility Permit is required from the McKenzie County Road and Bridge Department whenever an Applicant desires to install a temporary utility along or across a County and/or Township road or a section line, whether improved or unimproved. The guidelines herein are provided in the interest of developing and preserving safe roadway operations and roadsides.

GENERAL REQUIREMENTS

A Temporary Utility Permit shall be granted and executed under the following conditions:

1. Except as otherwise permitted, temporary utility installation in the right of way shall not commence until an application for a permit has been made and such permit granted. Installation of said temporary utility without a valid permit could result in additional fees, removal of said temporary utility, and future permit applications being denied.
2. For purposes of this policy, the following are defined as:
 - a. Right of way shall mean the right of way as it exists on the date of execution of the permit and for Major Collectors shall also include that area within seventy-five feet of the center of the right of way over which the Board of McKenzie County Commission has control pursuant to North Dakota Century Code 24-01-42.
 - b. An unimproved section line is a section line where no road exists at the time of application. Two track or sodded trails do not constitute a roadway.
 - c. The clear zone is:
 - i. 15 feet from the edge of the roadway for roads with speed limits of less than 45 mph.
 - ii. 20 feet from the edge of the roadway for roads with a speed limit of 45 mph or more.
 - iii. Unimproved section lines shall not have a clear zone, but the existing travelled way must not be impeded.
3. Safety is important when accommodating temporary utilities within the right of way. Temporary utility accommodation must not adversely affect roadway constructability, operations, maintenance, and safety.
4. The Applicant shall be required to wear an ANSI/ISEA 107-2004 Class II high visibility garment while working within the right of way of an improved roadway.
5. Applicant shall be responsible to pay for all costs of moving, relocating, or reconstructing the utility should the County, in its sole discretion, deem it necessary or advisable.
6. Applicant shall repair or replace structures and appurtenances, and any existing facilities located on, over, or under the right of way, which were damaged as a result of the installation and maintenance of all permitted materials within the right of way.
7. Temporary Utility Permits are valid for six (6) months upon approval. After six (6) months if the temporary utility has not been installed, the Applicant must reapply for the permit. Fees are nonrefundable. Once the temporary utility is installed, the temporary utility may remain in place for six (6) months. The Applicant must notify the Engineering Director upon completion of the installation usage or at the end of six (6) months, whichever comes first.



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8. Crossing installation of pipes/lines/hoses within the right of way is permitted with the following restrictions:
 - a. For culverts with a diameter less than 48 inches, at no time will more than one (1) pipe/line/hose be allowed in a culvert.
 - b. For culverts with a diameter greater than or equal to 48 inches, at no time will more than two (2) pipe/line/hose be allowed in a culvert.
 - c. A pipe/line/hose with a diameter of twelve (12) inches or greater shall not be installed in a culvert that is smaller than eighteen (18) inches. Otherwise, installations of pipes/lines/hoses are permitted to access all culvert sizes.
 - d. Immediately upon the occurrence of drainage being impeded, operations shall cease and all pipe/line/hose shall be laid flat or removed.
 - e. The Applicant:
 - i. is allowed to bore a crossing utilizing a casing two (2) sizes larger than the pipes/lines/hoses and upon approval of boring process by Engineering Director, in special circumstances.
 1. All casings shall be left in place and become the property of the County after the permit expires.
 2. Existing casings may be used on a first come first serve basis.
 3. Casings must be capped when not in use.
 - ii. is allowed to install a drive over pipe the full width of an approach, unimproved section line, or section line with approval of the adjacent landowner. Advanced warning signs are needed when drive over pipes are installed on approaches. An approach for a County or Township road or a section line road that is a County or Township road may not have a drive over pipe installed.
 - iii. is allowed to use cattle guards to cross an approach, road, or section line.
9. If hoses are used in the installation, the hose reel is not allowed in the right of way except while laying out the hose in the right of way. Upon completion of the installation, the hose reel shall be removed immediately.
10. If pumps are used in the installation, the pumps must be located outside of the right of way. If the Applicant is not able to locate the pumps outside of the right of way, the pumps should be as close to the back edge of the right of way as possible or on the back edge of an approach. At no time will pumps be allowed in the ditch bottom or within the clear zone. If upon inspection pumps are located within the clear zone, the Applicant will be charged for an unauthorized clear zone violation and the pump shall be removed from the clear zone.
11. The Applicant is required to monitor the installation to ensure any leakage will be stopped immediately.
12. For longitudinal installations within the right of way, the installation will be located as close to the back edge of the right of way as possible. If on a slope, the hose must be staked to prevent the hose from rolling into the ditch bottom. At no time will a hose be allowed in the clear zone.
13. For longitudinal installations within the right of way, the Applicant must demonstrate that alternate locations are not available or cannot be implemented and is to provide documentation from adjacent landowner as to why the utility cannot be located outside of the right of way.
14. Movement of non-hazardous materials must occur within an enclosed pipeline.
15. Within 30 days after installation, maintenance, or removal of utilities within the right of way, all scars must be removed and the disturbed areas restored to their original condition and reseeded or resodded as specified in the permit. Do not place seed on frozen ground or between July 15th and August 10th. If seed is unable to be placed due to seasonal limitations, ensure that seeding



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occurs as soon as the seasonal limitations are completed. Seed mix shall be per the NDDOT Standard Specifications for Road and Bridge Construction, unless specified by another governmental entity. The Applicant shall be responsible for restoring vegetative growth on all disturbed areas.

16. While installing and removing the temporary utility within the right of way, no materials shall be stored, equipment parked, unattended excavation trenches left open, or excavation piles placed in the clear zone or travelled way. All equipment not in use shall be parked at the outer limits of the right of way. Heavy equipment, particularly tracked equipment, should not be loaded, unloaded, or operated within the travelled way. Rubber tracked or rubber-tired heavy equipment equal to or less than 20,000 lbs GVW may operate within the travelled way when conducting work within the permitted area.
17. Temporary traffic control shall meet MUTCD standards. Reference drawings may be found here:
 - a. Guide: https://www.dot.nd.gov/manuals/design/utilities/utilitypermits/TTC_Handbook.pdf
 - b. Standard Drawings: <https://www.dot.nd.gov/dotnet2/view/std drawings.aspx>
18. The track out of mud or debris onto public roadways should be limited. Applicant is to clean the roadway as necessary, without damaging the road. If Applicant is asked to clean the roadway by the County, the roadway should be cleaned within twenty-four (24) of being notified.
19. The review and approval of a permit does not relieve the Applicant of the responsibility to comply with all Federal, State, and Local laws and regulations.
20. All work done will be at no cost to the County.
21. The following documents shall be submitted with the Temporary Utility Permit Application:
 - a. North Dakota State Contractor's License Number.
 - b. Certificate of Insurance with McKenzie County listed as a Certificate Holder.
 - c. Landowner Permission Forms.
 - d. Organized Township Permission Forms, if applicable.
 - e. Map of entire project. Map is to include the facility locations and distances off of the centerline of the road and/or section line, including pipe, appurtenances, types of crossing, etc.
 - f. Temporary Traffic Control Plan, if not referencing NDDOT standard drawing.

FEES

The Temporary Utility fee schedule is as follows:

- For each road or improved section line crossing	\$100.00
- For a longitudinal utility along a road or improved section line	\$200.00/mile
- For unimproved section lines	No Fee
- Unauthorized longitudinal utility	\$1,000.00/mile
- Unauthorized crossing	\$1,000.00/crossing
- Unauthorized clear zone violation	\$1,000.00/instance

ADOPTED DATE: March 5, 2024