



KIMBALL COUNTY
Application for Permit to Occupy Right of Way

Date: _____

Applicant Name: _____ Contractor Name: _____
 Applicant Address: _____ Contractor Address: _____
 Applicant Phone: _____ Contractor Phone: _____
 Applicant Cell Phone: _____ Contractor Cell Phone: _____
 Applicant Email: _____ Contractor Email: _____

Type	With A	Size	Material Type
☐ Undercross	☐ Water Line ☐ Wireless Infrastructure / Communications ☐ Telephone Line ☐ Electric Line ☐ Transmission Line ☐ Natural Gas Pipeline ☐ Crude product Pipeline ☐ Other		
☐ Overcross	☐ Electric Line		
☐ Occupy and/or Underground	☐ Wireless Infrastructure / Communications ☐ Telephone Line ☐ Electric Line ☐ Transmission Line ☐ Natural Gas Pipeline ☐ Crude Product Pipeline ☐ Small Wireless Facilities ** ☐ Other		

Location: Beginning _____ feet East ☐ West ☐ North ☐ South ☐ of the
☐ East ☐ West ☐ North ☐ South line of Section _____, Township _____ North,
 Range _____ of the 6th P.M., Kimball County, Nebraska. This is also _____ feet East ☐
 West ☐ North ☐ South ☐ of County Road# _____ on the East ☐ West ☐
 North ☐ South ☐ side of County Road # _____.
 If the application is to occupy underground, the work extends _____ feet East ☐
 West ☐ North ☐ South ☐

Parcel ID#(s) _____

Parcel ID#(opposite side for crossing) _____

Location Map Attached ☐

Requested Start Date: _____

Projected Completion Date: _____

Explanation of Proposed Right of Way Use:

Fees: All fees shall be paid to Kimball County Highway/Road Department.

Type	With A	Fee
☐ Undercross	☐ Water Line ☐ Wireless Infrastructure / Communications ☐ Telephone Line ☐ Electric Line ☐ Transmission Line ☐ Natural Gas ☐ Crude product ☐ Other	\$100.00 for each undercross
☐ Overcross	☐ Electric Line	\$100.00 for each overcross
☐ Occupy and/or Underground	☐ Wireless Infrastructure / Communications ☐ Telephone Line ☐ Electric Line ☐ Transmission Line ☐ Natural Gas ☐ Crude Product ☐ Small Wireless Facilities ** ☐ Other	\$150.00 Application Fee, Plus \$15.00 per one-tenth (1/10) mile Rounded up to nearest 1/10 mile: Example: 2.35 miles round up to 2.4 miles

****Small Wireless Facilities:** \$250.00(per pole) for the installation, modification or replacement of a utility pole and the collocation of an associated small wireless facility.

Right of Way is defined as that space located above, at or below the highway/road's established grade line lying within the approved right of way limits. When Kimball County has sufficient right, title and interest in the right of way to permit the use of certain right of way for non-highway/road purposes and when such right of way is not presently required or required in the foreseeable future for the safe and proper operation and maintenance of the highway/road, the right to temporary occupancy or use of such right of way may be granted by Kimball County subject to Federal Highway Administration and/or Nebraska Department of Transportation approval if Interstate, National Highway System and Nebraska Highway System is involved.

An application must be made for the use of right of way. The application must be complete. All applications must be submitted to the County Highway/Road Department for review and approval.

Requirements:

1. The names and addresses of all parties responsible for developing and operating the highway/road use of the right of way.
2. A detailed explanation of the proposed highway/road use of the right of way.
3. Attached plans (maps or sketches) showing the design for the highway/road use of the right of way. A location plan must be attached to this application.

Any engineering plans shall show the general features of the work to be completed and all information such as sizes, distances, dimensions, cuts and fills, erosion control measures, etc., when applicable.

4. A detailed three dimensional description of the space to be used. In some cases, metes and bounds description of the surface and along with appropriate plans and cross sections defining vertical use limits must be furnished in lieu of a three-dimensional description. Final documentation must be provided upon completion.
5. Any significant changes in the design of the highway/road use of the right of way as submitted, or change in the intended use, must receive the written approval prior to construction.

The grant of this permit is conditioned upon Permittee's and its Contractor's compliance with the General Provisions and Specific Provisions set forth below. By accepting this Permit, Permittee and its Contractors agree to comply with the terms and conditions set forth herein.

General Conditions

1. A Permit to occupy Right of Way cannot be transferred, assigned or conveyed to another party without the prior written approval of Kimball County.
2. A Permit to occupy Right of Way can be revoked by Kimball County in the event that any Right of Way Use located within the area of a ROW Use Agreement ceases to be used or is abandoned.
3. The Highway/Road Superintendent shall be notified at least 48 hours prior to the start of construction and again immediately after the work has been completed in accordance with the conditions of the permit.
4. Kimball County reserves the right to revoke the permit for noncompliance with the permit conditions and instructions. In the event that there is noncompliance of the permit, written notice of noncompliance will be given. A reasonable amount of time will be provided for correction of noncompliance.
5. Kimball County reserves the right to remove at the applicant's/permittee's expense, all work that deviates from the permit instructions and specifications and is unsatisfactory.
6. The permittee/user of the right of way, when required to do so by Kimball County, will provide proof of insurance, with Kimball County as the "named insured", in an amount adequate to hold Kimball County harmless from any damages arising out of the use of the right of way in any manner permitted by the Highway/Road ROW Use Agreement.
7. The permittee/user agrees to accept full responsibility to the public for loss or damage caused by or directly traceable to the operation on the right of way. The permittee will hold Kimball County harmless from any suits brought against Kimball County arising out of permittee's construction.
8. In the event of future highway/road construction or maintenance requires an alteration, relocation or removal of the work authorized in permit, the permittee shall perform such work as requested and with expense to Kimball County.
9. The traveling public shall be protected from the activities of the permittee/user by means of signs, flagmen or devices. All means shall be in accordance with the Nebraska Traffic Control Plan and the Construction and Maintenance Plan.
10. The granting of this permit by Kimball County does not relieve the applicant/permittee/user from complying with any other applicable federal, state and/or local laws and regulations. It is the sole responsibility of the permittee to comply with any other applicable federal, state and/or local laws and regulations.

Specific Conditions

1. The applicant, or his contractor, shall contact the One Call Notification Center/Diggers Hotline and request location of any buried utilities. Damage to any utilities, either on County right-of-way or adjacent to County right-of-way, shall be repaired at the expense of the applicant or their contractor. Kimball County is not responsible for utilities in public right-of-way that are not registered with One Call Notification Center/Diggers Hotline.
2. Areas disturbed by construction shall be restored to pre-construction condition as much as practical. This includes, but is not limited to, compaction of the backfill to a density equal to or greater than the surrounding soil, replacing road and driveway surfacing materials lost during construction, and seeding of the disturbed areas. Weed control of the disturbed areas is the responsibility of applicant and shall be controlled until permanent grass seed is established.
3. Waterlines will be required to be incased in a minimum of Schedule 40 PVC pipe. Pipe under road shall be one piece with all fittings located outside road surface edge. All pipe and encasements to conform with the current State of Nebraska Policy for Accommodating Utilities on State Highway Right-of-Way and State of Nebraska Standard

Specifications for Highway Construction. All waterlines will be installed at a minimum depth of 5 feet below the lowest elevation in ditch. All crude products and natural gas will be installed at a minimum depth of 6 feet below the lowest elevation in ditch.

4. All lines up to and including 6 inches in diameter may be bored under the road so as not to disturb road surface. Bore pits must be filled and compacted equal to pre-construction condition. All lines going under a hard surfaced roadway, regardless of size, shall be bored under the road. Lines 6 inches and smaller may be installed via open trench but the open trench rules and fees must be followed.

5. Utilities installation with pulling cable parallel with county road shall be made a minimum 5 feet inside the edge of either side of the dirt, gravel or rock road and a minimum 3 feet in depth. Installation other than aforementioned shall be approved by the county. Cable shall be bored or pushed under culverts or other drainage structures. Any underground utility facility that crosses a drainage course within the county right-of-way must be installed a minimum four feet below the flow line of the drainage structure or drainage course. If there is a difference in the elevation between the flow line of the drainage structure and the drainage course, the lowest elevation shall be used.

6. All open trench lines larger than 6 inches in diameter may be trenched across dirt, gravel and rock roads but must be bored under hard surfaced roads. Lines larger than 6 inches may be bored with the same fee as the boring permit fee. All trenches shall be backfilled the same day trench was excavated except for the portion where the work is to be continued the next day. The portion left open for work continuation shall be protected by Type III barricades with flashing lights at night, reference the current edition of the MUTCD.

7. Upon completion of the project a minimum of a 3" x 6' utility marker shall be installed. When the utility runs across the road the marker will be placed on the Right-of-Way line and on each side of the road above the utility. When the utility runs down the road the marker will be placed on the Right-of-Way line on only one side of the road and markers must be visible from one marker to the next, from the beginning of the utility to the end. All markers will meet the utility location and coordination council uniform color code. All markers will be maintained by the owner of the utility.

8. The area covered by the permit will be maintained in a manner that assures that the area within the county right of way boundaries will be kept in a safe and good appearing condition. The maintenance activities within the ROW area must cause no unreasonable interference with the highway/road use, and that should the right of way permittee/user fail in its maintenance obligations, the Kimball County Department of Roads/Highway may enter the premises and cause all necessary maintenance work to be completed at the cost of the right of way permittee/user.

9. The use of the right of way shall not result in highway/road users being unduly exposed to hazardous conditions because of highway/road location, design, maintenance, and operation features.

10. At no time, shall the right of way include any established county road (surface or shoulder).

11. Any requirements not covered in this permit shall conform to the State of Nebraska Policy for Accommodating Utilities on State Highway Right-of-Way and the State of Nebraska Standard Specifications for Highway Construction.

12. If the application is in conjunction with a conditional use permit application in accordance with the Kimball County Zoning and Subdivision Regulations, this must be stated in the comment section. This ROW application will not be approved prior to the Board of Commissioners approval/denial of said conditional use permit.

13. All small wireless facilities shall comply with the Nebraska Small Wireless Facilities Deployment Act.

14. Nothing in these requirements is intended to preempt other applicable State and Federal laws and regulations.

I hereby certify that I have familiarized myself with the requirements and conditions with respect to the filing of this **application for permit to occupy right of way** and that the foregoing statements and answers contained on the application and all attachments are true and accurate to the best of my knowledge. I agree to complete the work in accordance with the above terms and conditions set forth by Kimball County. The undersigned do hereby agree to pay all fees associated with this application.

Signature of Applicant/Permittee: _____

Printed Name: _____

Date: _____

Signature of Primary Contractor: _____

Printed Name: _____

Date: _____

Application Received _____ by _____

Kimball County hereby approves the above application for permit to occupy right of way in accordance with the requirements and instructions set forth in the application.

Approved this _____ day of _____, 20____.

Highway Superintendent/Authorized Representative

RIGHT-OF-WAY USE AGREEMENT # _____

Applications are available at:
Kimball County Highway Department
3970 W Main Street
Kimball, NE 69145

Mail Applications to:
Kimball County Highway Department
PO Box 363
Kimball, NE 69145

Email Applications to: roads@kimballcountyne.gov

APPENDIX

UTILITY LOCATION & COORDINATION COUNCIL UNIFORM COLOR CODE

	Red: Electric Power Lines, Cables, Conduit & Lighting Cables
	Yellow: Gas Oil, Steam, Petroleum or Gaseous Materials
	Orange: Communication, Cable TV, Alarm or Signal Lines, Cables or Conduit
	Blue: Potable Water
	Green: Sewers and Drain Lines
	Purple: Reclaimed Water, Irrigation and Slurry Lines
	Pink: Temporary Survey Markings
	White: Proposed Excavation

