

APPLICATION AND PERMIT TO WORK WITHIN MARSHALL COUNTY
SECONDARY ROADS RIGHT-OF-WAY

Applicant Information:

Permit No. _____

Name: _____

Date: _____

Address: _____

Township: _____

Telephone: _____

Section: _____

I hereby make application for permission to enter the Marshall County Secondary Road right-of-way for the following work:

I also certify that I am fully aware of the Marshall County specifications and requirements covering this type of work, as they regard the county road right-of-way, and hereby agree that all work performed within said right-of-way shall comply with those specifications. I also understand that failure to comply with those specifications will nullify this permit and prevent the issuance and approval of subsequent permits, and that I will be held responsible for all costs and damages that result from my actions and those of my employees.

The proposed work, for which this permit is required, will be performed as follows:

FOR WHOM: _____

THEIR ADDRESS: _____ Owner or Tenant: _____

WHERE WORK SITE IS LOCATED: _____

SITE AND TYPE OF MATERIAL TO BE USED: _____

SPECIAL PROVISIONS: _____

Applicant shall have the required liability insurance to cover applicant and Marshall County in the event of an accident.

DATE BY WHICH THE WORK MUST BE COMPLETED: _____

Signed _____ By _____

(Applicant)

Title _____ Address _____

MARSHALL COUNTY ACTION ON APPLICATION:

Approved _____ Disapproved _____ Date _____ Comments _____

Signed _____

(Marshall County Engineer)

COMPLETED WORK INSPECTION

Date Work Reported Completed: _____ By Whom: _____

Date Work Site Inspected: _____ By Whom: _____

Right of Way Condition: Acceptable _____ Not Acceptable _____ Reason: _____

Date Applicant Notified of Problem: _____ Twenty-Day Expiration: _____

Corrective Action by Marshall County: _____

Cost owed by Permit Holder: _____

Work Within Marshall County Secondary Road Right-of-Way

General Requirements per Iowa Code:

1. A person shall not excavate, fill, or make a physical change within a highway right-of-way without obtaining a permit from the applicable highway authority. At the request of a permittee, a modification may be granted in the discretion of the highway authority. Work performed under the permit shall be performed in conformity with the specifications prescribed by the highway authority. If the work does not conform to permit specifications, the person shall be notified to make the conforming changes. If after twenty days the changes have not been made, the highway authority may make the necessary changes and immediately send a statement of the cost to the responsible person. If within thirty days after sending the statement the cost is not paid, the highway authority may institute legal proceedings to collect the cost of correction. A violation of the permit specifications shall be considered a violation of section 318.3. A public utility subject to section 306A.3 is exempt from this section.
(318.8) 2006 Acts, ch 1097, §8
2. 318.3 A person shall not place, or cause to be placed, an obstruction within any highway right-of-way. This prohibition includes, but is not limited to, the following actions:
 - The excavation, filling, or making of any physical changes to any part of the highway right-of-way, except as provided under section 318.8.
 - The cultivation or growing of crops within the highway right-of-way.
 - The destruction of plants placed within the highway right-of-way.
 - The placing of fences or ditches within the highway right-of-way.
 - The alteration of ditches, water breaks, or drainage tiles within the highway right-of-way.
 - The placement of trash, litter, debris, waste material, manure, rocks, crops or crop residue, brush, vehicles, machinery, or other items within the highway right-of-way.
 - The placement of billboards, signs, or advertising devices within the highway right-of-way.
 - The placement of any red reflector, or any object or other device which shall cause the effect of a red reflector on the highway right-of-way which is visible to passing motorists.
206 Acts, ch 1097, §3

Prior to Construction:

1. A representative of the applicant that will be doing the actual work, shall secure the approved Application and Permit to Work Within Marshall County Secondary Roads Right-Of-Way at the Marshall County Engineer's Office, 101 East Church St, Marshalltown, Iowa. The application forms will be available at the office and on Marshall County's website.
2. Before the permit is listed, a representative from the Marshall County Secondary Road Department shall conduct an on-site inspection of the proposed site, with the applicant's representative present, to verify the need for the work, the location of the work and the method of operation.
3. Prior to the approval of any permit, the applicant shall provide the Marshall County Engineer's Office with a Certificate of Insurance verifying that public liability insurance will be in effect throughout the duration of the installation and will remain in effect until the date of acceptance by Marshall County. The public liability insurance shall be a minimum coverage of one million dollars (1,000,000.00), with Marshall County and Marshall County Engineer shown as additional named insured.
4. The applicant shall have the responsibility of utilizing Iowa One Call to locate utilities. The applicant shall notify the Marshall County Engineer's Office at least forty-eight (48) hours prior to the commencement of work.

Construction:

1. Before any work within the county road right of way commences, and while any work is being performed in the right-of-way, the applicant shall meet the current "Manual on Uniform Traffic Control Devices" (MUTCD) rules for signing. A copy of the typical applications from the MUTCD shall be supplied by Marshall County Engineer concerning different operations.
2. No excavation shall be made within the Marshall County right-of-way except as indicated on the approved permit. All excavation shall be completed within daylight hours, compacted, leveled, and resurfaced before the applicant leaves the site. The roads shall be left in as good condition as it was before work being completed.
3. Applicant will not park construction equipment on the roadway that is not necessary for the actual work being performed at the time. All equipment on the roadway, needed for the construction, will have proper signing. Overnight equipment storage is to be outside the Marshall County right-of-way.
4. A copy of the work permit shall be on the job site at all times.
5. The applicant shall apply special care in working under or near existing surface or subsurface drainage structures, and shall replace in kind, any tile broken during construction.
6. Crawler equipment with lugs will not be allowed on oiled or paved surfaces. Bridging, utilizing planks or old tires, will be required.
7. The applicant shall maintain natural drainage, always. All material shall be removed from in front of the openings of all culverts and will not be left in place to be removed during subsequent periods of rainfall runoff.
8. The applicant shall be responsible for the care and maintenance of partially complete work in the right-of-way. Silt basins may be required in possible erosion areas. Should such be deemed necessary, they shall be installed at the applicant's expense.

Clean-up:

1. The applicant shall replace any resurfacing material removed, covered up, or mixed with earth at their cost.
2. Applicant shall restore to their original condition, or better, any improvement removed or damaged during the construction process, such as fences, driveways, utility poles, signs, roadways, structures, etc
3. Upon completion of the work a representative from Marshall County Secondary Road Department shall visit the site and inspect the condition of the road and the right-of-way, as left by the applicant. This inspection may be deferred until at least one rainfall has been experienced to ascertain whether or not settlement of the area is likely. Should problems be discovered, the applicant shall be notified of same and provided twenty (20) calendar days in which to correct the noted problems. However, should deficiencies be found that are deemed to be hazardous to safe travel by the public, Marshall County shall make the necessary corrections immediately, with all associated costs to be charged to the applicant. Should applicant not make, or prefer not to make, the necessary corrections within the allotted twenty (20) day period, Marshall County shall make the necessary corrections, with all associated costs being charged to the applicant.