

**TOWN OF WARNER
CLARK COUNTY
WISCONSIN**

UTILITY POLICY

RESOLUTION 2022-01

ADOPTED 7/12/2022

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INTRODUCTION

1) OVERVIEW OF UTILITY ACCOMMODATION

The Town constructs, operates, and maintains the Town Highway System. Utility companies provide service to major centers of population as well as to individual users. Both the Town and utility companies typically provide facilities that consider future as well as present needs. Cooperation between these two entities is essential if the public is to be served at the lowest costs consistent with the respective public service needs, obligations, and interests.

Nothing in this policy shall be construed as limiting the rights of the Town to impose restrictions or requirements in addition to and/or deviations from those stated herein in any permit where the Town deems it advisable to do so an appropriate explanation for such action should be provided to the utility.

2) PRIMARY PURPOSE OF THE TOWN HIGHWAY SYSTEM

The primary purpose of the Town Highway System is to provide a safe and convenient means for the vehicular transportation of people and goods. Any permitted use and occupancy of highway right-of-way for non-highway purposes is subordinate to the primary interests of the traveling public.

3) PRIMARY PURPOSE OF THIS POLICY

The purpose of this document is to prescribe the policies and procedures that shall be met by any utility whose facility currently occupies, or will occupy any Town Highway or bridge over which the Town has maintenance authority

4) UTILITY ACCOMMODATION

It is the policy of the Town to permit utility facilities on Town Highways when:

- a) Such use and occupancy do not adversely affect the primary functions of the highways or materially impair their safety, operational, or visual qualities.
- b) There is no conflict with the provisions of federal, state or local laws or regulations or the accommodation provisions stated herein.
- c) The occupancies would not significantly increase the difficulty or future cost of highway construction or maintenance.

PERMIT REQUIREMENTS

1) NEED FOR A PERMIT

- a) A utility shall obtain a permit from the Town before any use or occupancy of Town highways is allowed.

2) PERMIT AUTHORIZATION TO USE AND/OR OCCUPY RIGHT-OF-WAY

- a) By issuance of a permit, the Town formally indicates that, subject to all applicable permit conditions, a specified use and/or occupancy of right-of-way is not averse to the highway interests at the time of the permit approval.
- b) The Town does not warrant that public title to the right-of-way is free and clear, does not certify that it has sole ownership, and does not indicate any intention to defend the utility in its peaceful use and occupancy of said lands.
- c) The permit does not transfer any land; nor give, grant or convey any land right, right in land, or easement.
- d) Written authorization from the Town does not relieve the utility from compliance with all applicable federal and state laws and codes, and local laws and ordinances which affect the design, construction, materials, or performance of the work. The Town's authorization shall not be construed as superseding any other governmental agency's more restrictive requirements.
- e) Each permit shall require that the standard indemnification language is part of the overall document.
- f) The utility should retain a copy of the permit in their files during the entire time the facility is located on, over, or under Town Highway right-of-way.

REQUIRED INFORMATION

1) GENERAL POLICY

- a) A utility's request to use and occupy the right-of-way cannot be considered until adequate information is provided. The amount of detail will vary with the complexity of the installation and highway involved, but must include the appropriate permit form, drawings or sketches, and installation information so that the effect on the highway operation, traffic safety, and visual qualities can be evaluated.

2) PERMIT APPLICATION FORMS

- a) Utilities shall only use the single-page permit application forms which are made available from the Town (an example of this permit is located below in this document). Revision of the permit form by the applicant is prohibited and shall be cause for application rejection or permit revocation.
- b) One original, with attached copies of the requested documentation as mentioned in this document shall be submitted per application to the Town Clerk via regular mail, courier service, Email, or delivered in person.
- c) The telephone number of the applicant shall be included on each permit form.

3) PERMIT DRAWINGS

- a) Each permit application shall contain adequate drawings showing the existing and/or proposed location of all utility facilities within the right-of-way with respect to the existing highway or any planned highway improvement.
- b) The details shall include:
 - i) dimensions from the proposed utility installation to the commonly accepted right-of-way line and to the edge of the traveled way.
 - ii) a cross section detail showing depth of bury or overhead clearance along with the location of any bore pits (if needed).
 - iii) a distance reference from the crossing to the nearest public roadway intersection is also required.
- c) Land test (e.g., approximate distance from the proposed facility to side road, intersection, county line, etc.) shall be submitted with all permit drawings.

4) INSTALLATION INFORMATION

- a) This information shall include, but is not limited to, a general description of the location, size, type, nature, and extent of the utility facilities to be installed or to be adjusted, and the impact on the utility's existing facilities to remain in place within the right-of-way.

- b) The Town may require the utility to provide a description of proposed construction procedures, special traffic control and protection measures, proposed access points, coordination of activities with the highway contractor, and/or vegetation to be removed.
- c) All plow and bore routes will be staked before issue of permit according to permit guidelines. The Township will be notified of any route changes before construction and during construction.
- d) The Township will be notified no less than 24 hrs. before construction begins.
- e) Pedestals and handholes will be installed 33 ft from center of road.
- f) When an attachment to a structure is proposed, additional information is required. This information should include, but is not limited to, bridge number, weight of lines, hanger spacing, hanger details, and expansion/contraction details.

5) METRIC\ENGLISHUNITS

- a) Although the Town may be working with the Metric System in the future, English units or English units followed by metric equivalents in parenthesis should be used on all permit forms. After the Town's formal conversion to the Metric System, this section may be changed to reflect new metric permit requirements.

TOWN UTILITY POLICY

PERMIT APPLICATION AND REVIEW FEE: \$25.00

All applications from Applicant will be copied to the Town and all Contractors involved in the installation of utilities.

LOCATION REQUIREMENTS

1) STATEMENT OF RISK

- a) The Town Board has created this policy to minimize any damage to Town Roads or private driveways as well as minimize the possibility of damage to the installed utilities during road construction/maintenance. The Town will contact diggers hotline to verify utility installation location before road construction/ maintenance is to occur. If a vehicle accident were to occur in the Town that causes damage to the utility installation, it is the utilities responsibility to replace or repair the damaged utility at no cost to the Town.

2) GENERAL LOCATION

- a) Utility facilities shall be located in such a manner to minimize the need for lateral adjustment to:
 - i) Accommodate proposed highway improvements.
 - ii) Permit servicing or expanding such lines without obstruction or interference to the free flow of highway traffic.
 - iii) Provide adequate vertical and horizontal clearance between underground utility facility and a structure or other highway facility to allow maintenance of all facilities.
 - iv) Be outside of the 45-degree cone of support for the footings of all highway alignment as possible.

3) CROSSING LOCATION

- a) NO OPEN CUTS ACROSS ROADWAYS OR DRIVEWAYS
- b) Utility facilities shall be bored across the highway on a line as perpendicular to the highway as possible. Driveways will be bored on the field side of driveway culvert.
- c) WARNING TAPE ON ALL FIBER and joint fiber/copper.
- d) All driveway crossings will maintain a minimum of 36" for copper and a minimum of 48" for fiber, A minimum of 36" for copper joint with duct.

4) ITEMS TO BE AVOIDED

- a) Deep cuts of 36” or more in an established roadway.
- b) Footings of bridges and retaining walls.
- c) Across highway intersections at grade or ramp terminals.
- d) At cross drains where the flow of water may be obstructed.
- e) Within basins of an underpass drained by a pump.
- f) In wet or rocky terrain where it will be difficult to attain a minimum bury depth.
- g) Conditions which are generally unsuitable or undesirable for underground crossings shall be avoided.

5) UNDERGROUND LONGITUDINAL LOCATION

- a) The longitudinal location of underground utility facilities within the right-of-way shall provide as much clearance from the traveled way as conditions will allow. Such lines shall be on a uniform alignment and be located at or as near as practical to the right-of-way line.
- b) To maintain a reasonable uniform utility alignment, location variances may be allowed when irregular-shaped portions of the right-of-way extend beyond the normal right-of-way limits. No utility lines are allowed in the ditch bottom or the outside slope of the roadway.

6) ABOVE GROUND LONGITUDINAL LOCATION

- a) The longitudinal location of above ground utility facilities shall be outside of the clear zone. Such lines shall be on a uniform alignment and be located at or as near as practical to the right-of-way line. Exceptions may be granted when no other location is feasible or when the clear zone extends to the right-of-way line.
- b) If any above ground utility facility is within the clear zone of the Town roadway or is determined to be in a location that has a higher-than-average accident potential, the Town may require:
 - i) The utility facility to be approved yielding or breakaway construction, or
 - ii) The utility facility to be protected by a Town approved barrier such as beam guard, crash cushion, etc. To maintain a reasonably uniform utility alignment, location variances may be allowed when irregular-shaped portions of the right-of-way extend beyond the normal right-of-way limits.

7) EXISTING UTILITIES

- a) When a utility facility exists within the right-of-way of an existing or proposed highway, it may remain provided it does not adversely affect highway safety based on sound engineering judgement and economic considerations. The existing facility

shall be relocated if:

- i) It conflicts with any construction or maintenance activities.
- ii) It is located longitudinally under the pavement or shoulder for reconditioning or reconstructed project.
- iii) Is found to be outside of accepted standards for depth of bury, or overhead clearance or in locations not acceptable to the Town.

8) AUTHORITY

- a) Representatives of the Town of Warner have the authority to enforce the Town Utility Policy and those specific related to individual utility permits. These representatives (a.k.a inspectors) include the Town Chairman, and his/her designees.
- b) All utilities, including all consultants, contractors, and subcontractors working for the utilities, are required to abide by this Policy and those specific provisions related to individual utility permits.

9) HARDSHIPS

- a) If the utility encounters a hardship during installation that prevents installation in accordance with the permit, the utility may (at the risk of having to move the installation) amend the permitted installation. The Town has final determination as to the validity of the hardship. If the Town determines that the changes were made due to the installer's preference, and not due to hardship, the utility will take action within 10 days to correct such alterations. Hardships include: solid rock, uncrossable swamps, cemeteries, or similar circumstance that make construction physically or economically unfeasible.
- b) The permitted facilities shall, only be altered by the utility to facilitate alteration, improvement, safety control, or maintenance. of the highway as may be ordered after permit approval. All costs for constructing, maintaining, altering, and relocating the permitted facilities shall be the obligation of the applicant, unless a specific Town-executed utility parcel or agreement otherwise provides.

10) FAILURE TO COMPLY

At the Town of Warner's option, the following measures may be taken if a utility fails to comply with this Policy or its permit provisions:

a) VERBAL REQUEST FOR CORRECTIVE ACTION

- i) The request shall include:
 - (1) The reason(s) why the present or completed operation is (was) not in compliance with the Policy or permit provisions.
 - (2) What steps should be taken to correct the situation, and

(3) What additional action may be taken if step b is disregarded (items 2 through 7 listed as follows).

b) WRITTEN REPRIMAND

- i) A written reprimand shall be sent to the utility for violating the (Policy) or its permit provisions when the utility does not with verbal request.
- ii) The written reprimand shall contain the same information as the verbal request and shall serve as documentation for the violation. The Town shall be responsible for writing and sending this reprimand.

c) SUSPENSION OF WORK ACTIVITIES

- i) If a responsible person of an inspected work site fails to comply with a verbal request, the inspector may order the suspension of all work activities at the site. If this occurs, the Town Chairman shall be informed of the situation.

d) REMOVAL OF INSTALLED UTILITIES

- i) Any facility installed by a utility shall be in the location shown on the approved permit. If such a facility is discovered in an unacceptable location and the utility is notified, the utility shall have two weeks' response time to decide on its corrective action. If the utility fails to take corrective action, the Town shall take action to have that facility relocated or removed at the utility's expense.
- ii) The permittee shall remove the improperly placed facility and put it in an approved location. If the utility fails to relocate its facility, the Town shall have the facility removed and bill the utility for such work.

e) PERMIT REVOCATION

- i) When a utility continues to be in noncompliance with the Policy or its permit provisions, the Town may revoke the utilities permit. The utility may reapply for a permit to the Town when it can demonstrate a good faith effort to comply.

f) PUBLIC SERVICE COMMISSION (PSC) NOTIFICATION

- i) Continued violations by a utility of the Policy or its permit provisions may cause the Town to notify the PSC and request its assistance in correcting the situation.

g) WITHHOLDING APPROVAL OF FUTURE PERMITS

- i) Continued violations by a utility of the Policy or its permit provisions may cause the Town to withhold approval of permit applications for that utility until the

violations are corrected to the satisfaction of the Town. The severity and number of written reprimands against a utility may serve as a guide in determining future permit approval.

11) PROCEDURES

a) When a utility site is inspected by the Town or its representative to determine compliance with this policy the following procedures may be utilized:

i) Inspection of Work Completed

(1) Upon reaching a work site, the inspector shall locate a responsible person and ask to review and discuss the utility operation. If applicable, a review of a copy of the permit which the utility or its contractor is required to have available at the site shall be performed.

(2) If the inspector decides that changes to the operation are needed in order to bring it into compliance with the Policy or provisions of it permit, then a verbal request is the first corrective measure which shall be taken (see verbal request above)

ii) Inspection of Completed Work

(1) After a permitted operation has been completed, the utility is required to notify the Town that the work on the permit is complete and the job is subject to an inspection by the Town, which includes having the utility Co., it's contractor or the inspector for the Town to hookup a locater on the buried utilities to verify depth. If the work was done in violation of the Policy or the provisions of a utility's permit, then a verbal request is the first corrective measure which shall be taken. The utility shall have two weeks' response time to decide on its corrective action.

iii) Immediate Action (Work in Progress)

(1) When a utility operation or installation is not in compliance with the Policy or the provisions of its permit and is adversely affecting public safety, the inspector shall then call the local law enforcement agency to have the utility or its contractor(s), subcontractor(s), or consultant(s) removed from the Town's right-of-way. The inspector shall also take corrective measures to return the highway to a safe operating condition.

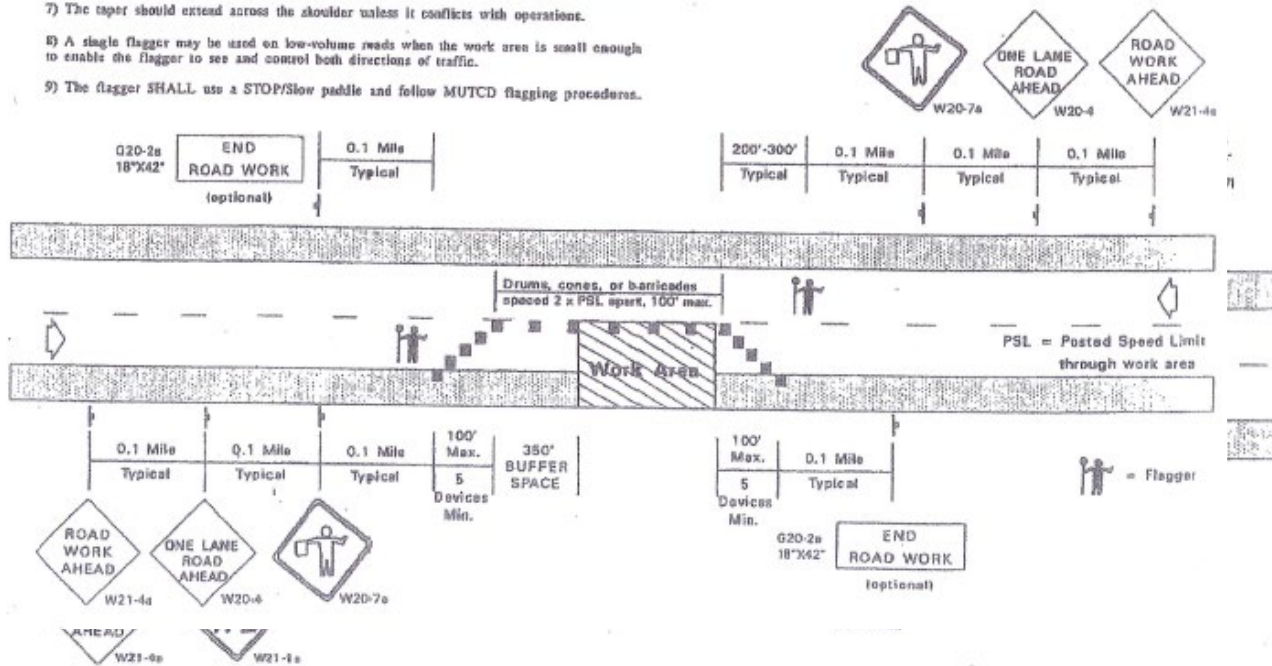
GENERAL NOTES

- 1) Flashers on vehicles shall be activated at all times.
- 2) All signs shall be 48" x 48" except as noted.
- 3) If the sight distance or terrain suggest a more logical placement of signs to warn motorists, variation in placement is allowed.
- 4) All signs shall be removed, covered, turned, or laid flat when workers or workers' vehicles are not at the work site or when the signs' messages are not relevant.
- 5) "UTILITY WORK AHEAD" and "END UTILITY WORK" signs may be substituted for the corresponding signs shown below.
- 6) Cones shall be a minimum of 28" in height and reflectorized for nighttime operations.
- 7) The taper should extend across the shoulder unless it conflicts with operations.
- 8) A single flagger may be used on low-volume roads when the work area is small enough to enable the flagger to see and control both directions of traffic.
- 9) The flagger SHALL use a STOP/Slow paddle and follow MUTCD flagging procedures.

TYPICAL DAYTIME STATIONARY UTILITY WORK ZONE TRAFFIC CONTROL Sheet 3 of 3

VOLUME: Any
 ROADWAY: 2-lane
 ACTIVITY: Single-lane closure
 POSTED SPEED: 45mph or greater. For speeds less than 45mph,
 see Tables VI -1,2,&3 of MUTCD for spacing requirements.

nph,



Effective: April 1, 1995

96.00 Unit, Accommodation

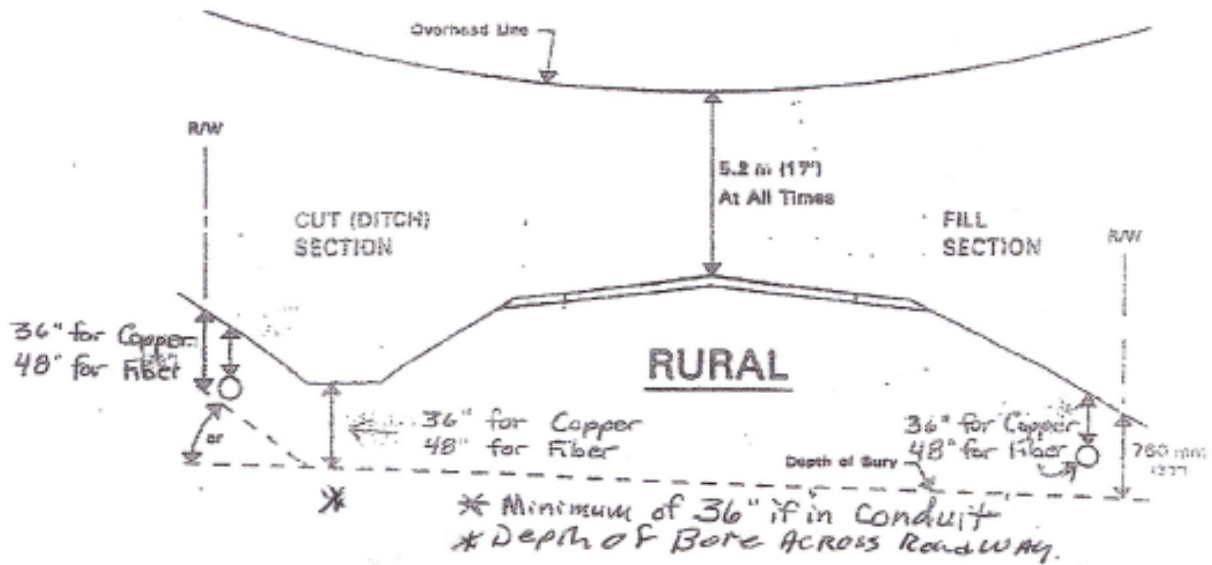
Supersedes: New Policy

96.90 Appendix

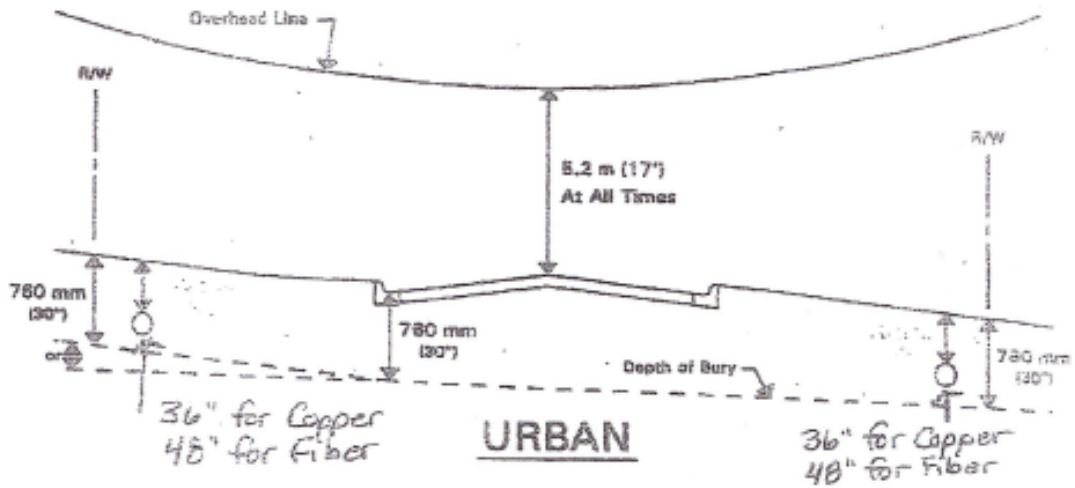
96.94 Highway Clearance Diagram

By: Director, Office of Highway Maintenance

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MINIMUM CLEARANCES



TOWN OF WARNER, CLARK COUNTY
PERMIT TO CONSTRUCT, MAINTAIN, OR REPAIR
UTILITIES WITHIN TOWNROAD RIGHT-A-WAY

Permit No. : _____

Road: _____

Name: _____

Location: _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____

Address: _____

T27N R2W

Office Phone: _____ Local Phone: _____

Type of Utility Installation:

Plans Prepared By:

Utility Locations are:

___ To Cross Roadway
___ Overhead

___ Parallel to C/L of Road
___ Underground

Proposed Method of Installation:

___ Tunnel
___ Jack and bore
___ Trench
___ Cased

___ Open Cut

___ Suspend on Towers
___ Suspend on Poles

Estimated Starting Date: _____ Estimated Restoration Date: _____

The Applicant understand and agrees that the permitted work shall comply with all permit provisions and conditions of the Town of Warner Utility Policy in effect at the time of this application, and with any special provisions listed below or attached hereto, and all plans' details or notes attached hereto and made a part thereof.

OTHER SPECIAL PROVISIONS:

BY: _____ Title: _____
(Signature of Authorized Representative)

Dated: _____

PERMIT APPROVAL BY PERMITTING AUTHORITY

The foregoing application is hereby approved, and permit issued by the permitting authority subject to full compliance by the applicant with all provisions and conditions stated in the Town of Warner Utility Policy in effect on the date of this application.

BY: _____ **Title:** _____
(Signature of Permitting Authority Representative)

Dated: _____

Permit Application and review Fee: \$25.00

Received on: _____

Town of Warner will reply to all permit requests within 30 days of receipt.

Adopted this _____ day of _____, 2024.

Town Chair: _____ Print Name: _____

Town Supervisor: _____ Print Name: _____

Town Supervisor: _____ Print Name: _____

Attest: Clerk: _____ Print Name: _____