



APPLICATION FOR PERMIT TO
INSTALL UTILITY FACILITIES WITHIN
PUBLIC RIGHT OF WAY

() Renewal Permit
() Original Permit

Permit # _____

1) The APPLICANT:

Name of Company: _____

Contact Person: _____

Address: _____

Phone Number: _____

Email Address of Contact Person: _____

Herewith makes application to install following utility facility:

(Water, sewer, oil, gas, steam, electric, telephone or other)

(Also give voltage, pressure, type of liquid if other than water or sewage)

In the following location:

_____ Section _____ Township _____ Range _____
Road Name

- 2) For the purposes of this application "Within" shall be construed as meaning "on, over, across, under, above and along."
A. Road Superintendent" shall be construed as meaning the County Road Superintendent or his representative, hereinafter referred to as road superintendent.
B. "County" shall be construed as meaning: the "County of Lea, all governmental subdivisions, boards, commissions, agencies, officers and employees thereof."
C. Applicant" shall be construed as meaning: the "Individual, firm, corporation, association, governmental subdivision, or other organizations making this application, or the successors of any of the above."



D. "Board" shall mean Lea County Board of Commissioners.

E. "Utility facility" shall be construed as meaning, but not limited to, any publicly, privately, cooperatively, municipally or governmentally owned facility used for carriage, distribution or transmission of water, gas or electricity, either for power, or communications, oil and products carried by means of pipelines, conduits, wires, culverts, ditches or conveyors or other methods.

3) This application is for: _____ installation

A "Crossing installation" is one where the smaller angle of intersection between the utility line and the centerline of the highway is greater than 45°; where the angle of intersection is less than 45° the installation will be deemed parallel.

4) Applicant proposes to install parallel utility facility _____ feet inside the _____ facility more than two (2) feet or sub-surface utility facility more than six (6) feet inside right of way line, give reasons for doing so: (Use additional page if needed.)

5) The top of all sub-surface crossing installations of utility facilities must be at least thirty-six (36) inches below lowest point of the highway cross-section along the alignment of the utility installation. The top of all parallel utility installations must be at least thirty-six (36) inches below grade along the alignment of the utility installation. If applicant proposes installation at lesser depth, give reasons: (Use additional page if needed.)

6) Applicant proposes to cross right of way which has finished permanent type surface pavement— asphalt, concrete, or similar paving, by **boring** or six (6) inch minimum pavement **cut**.

**Pavement cuts will not be permitted on any asphalt, concrete or chip sealed roadway.
Roadway cuts may be permitted on caliche roadway.**

Specify _____

7) There is attached hereto a *diagrammatic or dimensioned* drawing showing the location of proposed installation, width of right of way, height or depth of utility facility above or below grade, survey ties and other pertinent features. If application is for a parallel installation, the general status of land abutting right of way should be indicated as to buildup, irrigated, grazing, residential, and commercial and setbacks, etc. Installations on bridges or other highway structures require special detail drawings.

8) Applicant desires this permit to be in effect for _____ years. (see below)

Permits will not be issued for a period longer than 10 years *except* for public utilities which are for a period up to 25 years.

Permit must be renewed by Applicant upon expiration and the burden of timely renewal is on the Applicant.

9) The signing of the application by the director and return to Applicant shall validate this application as a permit.

10) All overhead installations, including parallel facilities, shall comply with the current National Electric Safety Code, and _____ crossings shall be installed so

that the lowest member or portion of facility will be at least eighteen (18) feet above main traveled portion of highway.

- 11) All permits are granted subject to the following express conditions and by signing this application the Applicant signifies that Applicant has read, understand and will abide these conditions.
- 12) That no permit granted hereunder shall be construed as granting any easement or property right.
- 13) That the construction work to be undertaken pursuant to the permit herein applied for will be commenced no later than _____ of _____, 20____ and completed no later than _____ of _____, 20_____.

(Cannot be longer than 60 days between issuance of permit and actual construction).

Notice of the actual commencement of construction shall be given to Lea County Road Department at (575) 391-2940 not less than three (3) days prior to commencement of construction unless waived by notation to this effect on the application; the Lea County Road Department shall make a final inspection to determine compliance with all conditions.

- 14) That installation of utility facilities within the right of way shall be in strict conformity with this application and drawings as the same may be modified by the Road Superintendent and no departure therefrom may be made without the written consent of the Road Superintendent and all construction shall be subject to the inspection and approval of the Road Superintendent. All facilities shall be so placed that they will not interfere with or endanger any existing facility already in the right of way or any highway structure.
- 15) That all construction work undertaken pursuant to this application will be so carried on that danger, inconvenience and delay to the traveling public will be held to a minimum and where interference with traffic is unavoidable, traffic control and safety precautions shall be in accordance with any safety code adopted by the Board.
- 16) That the Applicant will, except as otherwise ordered by the Road Superintendent, restore the highway right of way and all bridges or other structures thereon or adjacent thereto which have been altered or affected by the construction work performed hereunder, to the former condition or better so as not to interfere with the reasonable use of the highway right of way, bridge, or other structures.
- 17) That if any damage is caused to the highway right of way or to any bridge, structure or improvement thereon or adjacent thereto by reason of the installation, maintenance, alteration or removal of the facilities or other appurtenances of the Applicant, the Applicant will reimburse Board the full amount thereof promptly upon demand by the Road Superintendent; provided, however, that the obligations imposed under this paragraph shall not apply in the event the damage resulted from causes beyond the control of the Applicant.
- 18) **Utility owners shall carry insurance in amounts not less than those below:**

Insurance coverage in the amount of \$1,000,000.00 for each occurrence:
\$1,000,000.00 aggregate for Bodily Injury Liability and \$500,000.00 each occurrence;
\$1,000,000.00 aggregate for Property Damage Liability,
Written on a comprehensive General Liability Form or Commercial General Liability Form which must include the following:

- (a) Coverage for liability arising out of the operation of independent contractors;
- (b) Completed operations Coverage;
- (c) Attachment of the Broad Form Comprehensive General Liability Endorsement.
- (d) Lea County as additional _____ named insured.

If a utility is self-insured, the utility shall provide an Owner's Protective Liability Insurance Policy, in favor of Lea County, in the amounts below specified. **Lea County as additional named insured:** The utility, its contractor or subcontractor shall have the Lea County added as an additional named insured on the Comprehensive General Liability Form or Commercial General Liability Form furnished by the Utility.

- 19) The utility owner must indemnify and hold harmless Lea County from loss due to any negligent act of the utility, the utility's employees, any agent acting on the utility's behalf, and anyone else engaged by the utility to work on the utility installations, maintenance or relocations of their facilities. Any contractor or subcontractor engaged by the utility to perform utility installations or relocations in conjunction with or prior to highway construction must also indemnify and hold harmless Lea County from loss due to any negligent act of the utility's contractor or subcontractor.

Nothing herein shall be construed to mean that the Applicant hereunder will indemnify and save harmless the County from any claim caused by or incident to any neglect, carelessness or breach of duty on the part of the County.

- 20) That all such utility facilities installed within the right of way shall at all times be kept in such repair so as not to damage the highway, inconvenience or endanger the traveling public and shall be kept free from advertisements, posters and the like.
- 21) That if the Applicant should at any time fail to promptly and fully perform any of the obligations imposed upon Applicant hereby, and after thirty (30) days' written notice thereof, the Board may at its option (a) cause the obligations to be fully carried out and performed and the Applicant will promptly reimburse the Board for all costs and expenses incident thereto, (b) may summarily order the removal of such utility facility and if Applicant fails to comply within a reasonable time, the Board may direct the removal of the utility facility with all costs and expenses incident to be borne by Applicant.
- 22) That if by any reason of any change in the location, construction, grade or any other matter affecting the highway upon which any utility facility is located because of changing traffic conditions or otherwise, it shall become advisable in the opinion of Lea County that said utility facility be removed, relocated or otherwise modified, the Applicant, upon written notice from Lea County shall remove, relocate or modify such utility facility without undue delay in such manner as Lea County may direct or approve, at the applicant's expense and at no cost to Lea County. Lea County makes no express or implied as to the continued existence of any highway in any particular location and expressly assumes no obligation with regard to the facility upon change, vacation or abandonment of any highway or portion thereof.
- 23) All utility facilities to be installed on public right of way under the dual jurisdiction of the County and another governmental entity shall comply with all applicable rules and regulations of such government entity property and lawfully in force and including provisions of local franchises not in conflict with the rules and regulations of the County.
- 24) Neither the making of this application or anything herein contained shall constitute a waiver on the part of the Applicant of any rights or claims had or made by Applicant with respect to the occupancy of the streets and highways under the Constitution and Laws of the State of New Mexico nor shall anything herein contained in anywise prejudice or impair any rights or claims

existing independently of this application with respect to the construction, operation and maintenance of the Applicant's utility system in the County of Lea.

- 25) This application is hereby granted subject to the following special provisions, changes or amendments:
- 26) Applicant shall notify Road Superintendent of removal or discontinuance of use of utility facility or any portion thereof.
- 27) Applicant can expect **3 to 5 working days** from time application is received by the road department before a response to the permit.
- 28) The company requesting the permit is responsible for any failures due to the cut in the future on this road.
- 29) The company requesting the permit is responsible for all traffic control.
- 30) If for any reason what so ever that the regulations for cutting a Lea County Road are not followed, your company will be requested to bore all roads from then on. It is the responsibility of the company requesting the road crossing permit to see that all regulations are followed.

EXECUTED at _____, this _____ day of _____ 20____.
(Location where signed)

Company Name



By: _____

Applicant Signature

Title

REVIEWED & RECOMMENDED:

Nick Marinovich, Road Superintendent

APPROVAL of this permit is hereby given this
_____ day of _____, 20 _____.

Corey Needham, Director of Public Works

- o Make check payable and mail to:
 - Lea County Treasurer
 - 5915 Lovington Hwy.
 - Hobbs, NM 88240



**Right of Way Application Permit Fees
Per Lea County
Ordinance No. 86**

Above Ground Use Permits:

Non-Refundable Application Fee: _____ \$ 500.00 _____

Non-Refundable Application Renewal Fee: _____ \$ 500.00 _____

Initial 90-day (or portion thereof) permit:
Portion Charged _____ \$1,000.00 _____

Second 90-day (or portion thereof) permit:
Portion Charged _____ \$2,400.00 _____

Third 90-day (or portion thereof) permit:
Portion Charged _____ \$7,200.00 _____

Fees and Permits Other Than Above Ground:

Application for Use of County Right-of-way: _____ \$ 200.00 _____

Usage Fees:

Trenching and uses below ground level:
12 in. x 36 in. to 24 in. x 48 in.: _____ \$0.15/linear foot _____

Greater width and depth: _____ \$0.20/linear foot _____

Placement of facilities above ground:
First 90 lineal feet: _____ \$ 150.00/min _____

More than 90 lineal feet: _____ \$ 1.50/linear foot _____

Service hook-ups:

No pavement cut necessary: _____ \$ 100.00 _____

Pavement cut necessary: _____ \$ 150.00 _____

Maintenance/Repair Permit:

Excavation to exceed 250 feet:
Plus Usage _____ \$ 250.00 _____

Reinstatement of suspended permit: _____ \$ 250.00 _____

Appeal Right of Way Administrator Decision: _____ \$ 100.00 _____

Total Permit Fees Due: _____

CALICHE ROAD CUTTING RULES

- 1) All caliche cut roads will be filled with flow-able back fill 6" from the top, then filled with 6" of ¾" base type caliche and compacted to a 96% compaction rate (ASTM D698).
- 2) All other existing regulations for road crossing permits will still apply.

FLOWABLE BACKFILL

Flowable Backfill is a concrete product that can be purchased at any local concrete mixing facility. This product is required by the Lea County Road Department as the only suitable product for compaction purposes pertaining to any type of road cuts made for the purpose of installing line crossings. Please look at the two different types of mixes listed below, one works well in hot weather and the other will speed drying and evaporation of the water content during winter use.

Summer

2 sack mix with 3/8 rock with 50 to 55 gallons of water per yard

Winter

3 sack mix with concrete sand with 30 to 35 gallons of water per yard.

Notice: A dryer mix (less water) other than what is recommended will not yield suitable results as far as compaction is concerned and will result in you having to replace the product. The mixing company will be able to tell you cost difference in the two products.

Please refer to the diagram on the next page for installation process required by the Road Department.

ROAD CROSSING REQUIREMENTS

- Minimum 3' (three foot) depth, lowest point in right-of-way
- Case full right-of-way
- Vents at each end
- Pipe line markers showing owner, address and phone #
- Survey plat with cross section ties

PARALLEL LINES

- Survey plat with section corner ties
- Minimum 3' (three foot) depth
- Minimum 7' (seven foot) from shoulder or edge of pavement
- Pipe line marker at 400' intervals with owner, address and phone #
- 95% compaction as determined by ASTM-1557
- Moisture content +/- 3% of optimum
- Back slope and shoulder free of all rocks 3" (three inch) and larger