



Planning Department

Powell County Planning Department | 409 Missouri Ave | Suite 101 | Deer Lodge, Montana 59722
406.846.9729 | www.powellcountymt.gov

RIGHT-OF-WAY OCCUPANCY PERMIT APPLICATION

Planning _____ Road Supervisor _____ Commissioner _____

Applicant

Agent

Name: _____

Mailing Address: _____

Phone: _____

E-mail: _____

Location: _____ 1/4 of S _____, T _____ N, R _____ W

Official road name: _____ Mile post(s): _____

Proposed work (attached scaled drawings – distance from road centerline must be provided):

This signature acknowledges that all information on this application and the attached plans is true and correct; that the activity permitted will be conducted in full compliance with all regulations of Powell County, and the activity conducted will be in full compliance with any and all conditions imposed on this permit's approval. Note that conditions attached to approval of a Right-of-Way Occupancy Permit are binding (see Pages 2 thru 4).

This Permit expires in one year if the activity authorized is not commenced or if the activity is commenced but abandoned for 180 days at any time before its completion.

Signature & Title _____

Date _____

-----Do Not Write Below This Line -----

ID No. _____ Application Reviewed By: _____ Date _____

Fee _____ Floodplain Zone: _____ Panel No.: _____

Road Supervisor's Pre-Issuance Comments _____

Road Supervisor's Final Inspection Comments _____

Road Supervisor's Signature _____ Date _____

Approval (Subject to attached conditions plus attached specifications and plans):

Authorized Signature & Title _____

Date _____



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APPLICATION CONDITIONS / REQUIREMENTS

1. TERMS and REVOCATION:

This Permit shall be in full force and effect from the date hereof until revoked. This Permit may be revoked by Powell County upon giving 30 days notice to Permittee by ordinary mail, directed to the address shown on the first page. Powell County reserves the right to revoke this Permit without giving said notice in the event Permittee breaks any of the conditions or requirements set forth herein.

2. RIGHT-OF-WAY BONDS:

The Powell County Board of Commissioners under the advisement of County staff or the County's on-call engineer may require the applicant to submit a Right-of-Way Bond to secure restoration of County infrastructure after construction. The Board of Commissioners will determine the value based upon the scope of work and is released after the final inspection when County staff determines there is no damage. If repairs are needed, the County will contact the applicant with information on how and when to undertake the repairs. At the completion of the repairs, the applicant schedules another inspection and if approved, the County issues a bond refund check to the applicant. If the applicant fails to make the repairs, the County will use the Bond to complete the repairs and invoice the applicant for any expenses above the original Bond amount.

3. RIGHT-OF-WAY RESTORATION:

These requirements protect agricultural and natural resources of Powell County by preventing the spread of noxious weeds during construction activities. The applicant must notify the Powell County Weed Board (406.846.3348) at least fifteen days prior to the activity described in this Occupancy Permit Application. All excavated areas will be restored to original contour, treated for noxious weeds and revegetated.

4. CHANGES IN ROADWAY:

If Powell County changes the roadway or its accessory structures (culverts, ditches), or there are other changes to adjoining streets, alleys, etc., which necessitate alterations in structures installed under this permit, Permittee shall make the necessary alterations at Permittee's sole expense or in accordance with a separate agreement.

5. POWELL COUNTY SAVED HARMLESS FROM CLAIMS:

In accepting this, Permit the Permittee, its\his successors or assigns, agree to protect Powell County and save it harmless from all claims, actions or damage of every kind and description which may accrue to, or be suffered by, any persons, corporations or property by reason of the performance of any such work, character of materials used, or manner of installations, maintenance and operation, or by the improper occupancy of said roadway right-of-way, and in case any suit or action is brought against Powell County and arising out of, or by reason of, any of the above causes, the Permittee, its\his successors or assigns, will upon notice to it\him of the commencement of such action, defend the same at its\his sole expense and satisfy any judgment which may be rendered against Powell County in any such suit or action.

6. PROTECTION OF TRAFFIC:

The applicable minimum signing/warning standards must be attached and adhered to.

7. ROADWAY DRAINAGE:

If the work done under this Permit interferes in any way with the drainage of the County roadway, the Permittee shall, at its\his own expense, make such provisions as the County may direct to take care of said drainage.



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8. RUBBISH AND DEBRIS:

Upon completion of work contemplated under this Permit, all rubbish and debris shall be immediately removed, and the roadway and the roadside left in a presentable condition satisfactory to the County.

9. WORK TO BE SUPERVISED BY THE COUNTY:

All work contemplated under this Permit shall be done to the satisfaction of the authorized representative of Powell County, and the County hereby reserves the right to order the change of location or removal of any structures or installation authorized by this Permit at any time; said changes or removal to be made at the sole expense of the Permittee. Said supervision shall in no way operate to relieve or discharge Permittee from any of the obligations assumed by acceptance of this permit, and especially those set forth under Section No: 5 thereof.

10. COUNTY'S RIGHT NOT TO BE INTERFERED WITH:

All such changes, reconstructing or relocation shall be done by Permittee, in such a manner as will cause the least interference with any of Powell County's work, and the County shall in no wise be liable for any damage to the Permittee by reason of any such work by the County, its agents, contractors or representatives, or by the exercise of any rights by the County upon the roadways by the installations of structures placed under this Permit.

11. REMOVAL OF INSTALLATIONS OR STRUCTURES:

Unless waived by Powell County, upon termination of this Permit, the Permittee shall remove the installations or structures contemplated by this Permit and restore the premises to the condition existing at the time of entering upon the same under this Permit. Powell County acknowledges reasonable and ordinary wear and tear and damage by the elements, or by circumstances over which the Permittee has no control.

12. MAINTENANCE AT EXPENSE OF PERMITTEE:

Permittee shall maintain, at its\his sole expense, the installations and structures for which this Permit is granted, in a condition satisfactory to Powell County.

13. COUNTY NOT LIABLE FOR DAMAGE TO INSTALLATIONS:

In accepting this permit the Permittee agrees that any damage or injury done to said installations or structures by a contractor working for Powell County, or by any County employee engaged in construction, alteration, repair, maintenance or improvement of the County roadway, shall be at the sole expense of the Permittee.

14. ROAD SIGNS:

Any road signs, etc, that are removed to allow the applicant's installations shall be replaced on the same day as per specifications.

15. COUNTY TO BE REIMBURSED FOR REPAIRING ROADWAY:

Upon being billed, the Permittee agrees to promptly reimburse Powell County for any expense incurred in repairing surface or roadway due to settlement at installation, or for any other damage to roadway as a result of the work performed under this Permit.

16. FACILITY MARKERS:

All closures, markers or other identification are to be placed near the outer edge of the right-of-way or next to the right-of-way fence.



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17. OVERHEAD INSTALLATIONS:

Vertical clearance shall meet the standards of the National Safety Codes. Location will be at or near right-of-way line. Where right-of-way width and terrain features allow, the facilities shall be located not less than 30 feet from edge of traveled way. In urban areas the facilities will be located as far as practicable from the edge of pavement and no closer than two-inches behind the curb line. All down guys installed on new or added to existing structures not in parallel with the roadway must have the location called out on the job document. If the anchor is allowed within 30-inches clear zone, it must be constructed, located or protected such that it will not be a roadside hazard.

18. UNDERGROUND PIPELINE INSTALLATION:

Conform to all applicable National and State Codes. Location: longitudinal will be located as near the right-of-way line as a practicable. Bored and pushed crossings will be 30-inches below adjacent ditches or ground line (42-inches, if reasonably possible). Opening trenching on existing asphalt roads requires a special traffic control plan and will be considered only when pushing and boring fails.

19. UNDERGROUND CABLE:

Vertical depth per N.E.S.C. minimum electrical 30-inches, communications 24-inches (30-inches if reasonably possible). All crossings 42-inches below adjacent ditches or ground line, if reasonably possible. Location unless specified, the cable shall not be placed in the traveled way of gravel roads. Any additional cable shall be laid three feet or less from existing cable. Crossings will be as near as possible to right angles. Applicant shall meet with the County Road Supervisor for the applicable road district to determine how to lay cable over, under or around culverts, intersections, ditches.

20. ATTACHMENTS:

Any attachments to this agreement are hereby incorporated by reference.

21. NOTIFICATION:

The applicant will notify the County Road Supervisor for the applicable Road District at least 48 hours in advance of any work under this Permit.

22. FEES:

Powell County must receive the Right-of-Way Occupancy Permit fee before processing the request. Powell County will send an invoice to the Permittee after issuance of the Permit. As noted in Section No: 2, the County may require a Bond as part of a Permit fee, and reserves the right to withhold the Bond until the County completes the final inspection. If Powell County needs to make any site repairs for any reason, the County will invoice the Permittee for the outstanding expenses.

23. OTHER CONDITIONS AND/OR REMARKS: