

# **Anoka County Highway Department Development Review Process**

**December, 2003**

*Revised October, 2010*

*Revised June, 2013*

*Revised August, 2014*

# Anoka County Highway Department

## Development Review Process

August, 2014

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## **II. Introduction**

### **Anoka County Highway Department**

Development Review Process

*August, 2014*

December 10, 2003

Dear City/Township Official:

The Anoka County Highway Department is pleased to present to you our first edition of our “Anoka County Highway Department Development Review Process” manual. We hope that this manual, along with our presentation today, will assist you in understanding the Highway Department’s development review process and provide the framework for achieving timely and agreeable development reviews.

As one of the fastest growing counties in the nation, we recognize and support the planned and orderly development and redevelopment of the county. Vital to this growth is a strong infrastructure system, which includes the County Highway System. Unfortunately, Anoka County has fewer miles of state trunk highway than any other county in the Twin Cities Metropolitan area except for Scott County, fewer trunk highway miles in relation to population than all but Hennepin and Ramsey Counties, and fewer trunk highway miles per square mile than any of the other metropolitan counties. Yet Anoka county ranks fourth in the number of average daily vehicle miles traveled on the state trunk highway system, fourth in average daily vehicle miles traveled on all roads, and third in average daily vehicle miles traveled on all roads per square mile of area. This being the case, it is vitally important that the County Highway System be improved and maintained to be a viable transportation network.

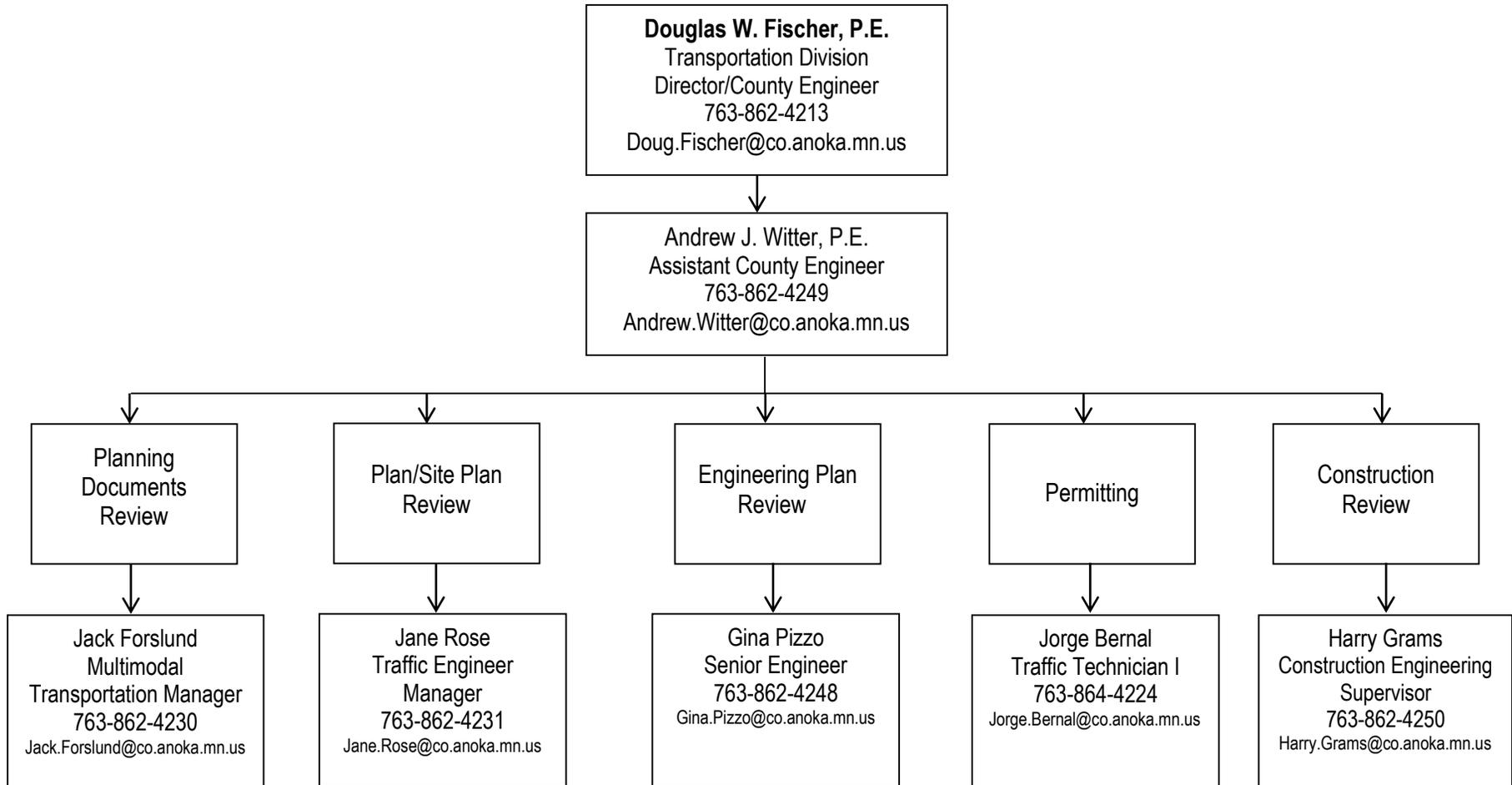
A safe and efficient Highway System is not only essential for the traveling public, but it is essential for business and good for your communities. Maintaining this safe and efficient highway system, in spite of all the growth occurring around it, can only be achieved through the combined efforts of your planning and zoning actions and our development review process. Right-of-way dedications, access spacing, drainage impacts and, in some cases, minor road improvements due to development is a logical and necessary way to maintain the safety and capacity characteristics of the existing highway and to allow for future improvements. Together, we are confident that we can work towards achieving the growth that your community desires without the further deterioration of the County Highway System.

Again, we hope that you find this book is beneficial in your understanding of our responsibilities in maintaining and improving the Anoka County Highway System and we look forward to working together with you on future developments in your community.

Sincerely,

Douglas W. Fischer, P.E.  
County Engineer

# Anoka County Development Review Processes



# **III. Planning Document Review**

## **Anoka County Highway Department**

Development Review Process

*August, 2014*

# Planning Documents Review Process

An effective and efficient transportation system is vital for economic development and maintaining the high quality of life in Anoka County. In order to maintain or achieve this, Anoka County is proactive in identifying needs and/or potential solutions well before they are needed. This is accomplished through proper planning, whether directly by the County or through our involvement in an effort being led by another entity.

## Planning Studies

Typically, planning studies look at time horizons of 5 to 20 years in the future to identify needs as well as potential improvement measures and how they can be addressed in a timely and efficient manner.

Typical studies reviewed by the Anoka County Highway Department include

- City Comprehensive Plans (and associated amendments) required by the Metropolitan Council
- Transportation Studies (i.e., network studies, corridor studies, subarea studies, etc.)
- Long term Development / Redevelopment Plans

## County Involvement

The County should be contacted for any of these types of studies to determine our role, but generally, there are three critical factors we consider in determining our level of involvement in your study. These are:

1. Does/Will the plan or study contain elements that will impact the Anoka County highway system, particularly with regard to access spacing?
2. Does/Will the plan or study contain elements that may require formal environmental documentation (i.e., Project Memorandum, Environmental Assessment, Alternative Urban Area wide Review, etc.)?
3. Does/Will the plan or study contain elements that will require an amendment to an existing plan (i.e., plans required by Metropolitan Council such as City Comprehensive Plans, Policy Plans, Transportation Investment Plans, etc.)?

If the answer to any of the above questions is yes, the County should be involved in the development of the study or plan to better insure that the resulting actions will comply with policies and/or requirements. If the answer to any of the questions is no, the County will still be involved, but primarily as a reviewer of materials at different points in the study.

## Process Flowchart and Contact Information

Provided in the attached flowchart is the course of action in the development of your plan or study. Note that the three identified factors/questions listed above are not necessarily mutually-exclusive. Therefore, it is important to follow the path for each of the factors in the development of your plan/study. Please fill out a PLANNING STUDY REVIEW REQUEST form and attach it with your document submittal. This form can be found in the appendix. If you have questions, please contact Jack Forslund, Multimodal Planning Manager, at 763-862-4230 or by email at [Jack.Forslund@co.anoka.mn.us](mailto:Jack.Forslund@co.anoka.mn.us)



# Anoka County

TRANSPORTATION DIVISION

Respectful, Innovative, Fiscally Responsible

## PLANNING STUDY REVIEW REQUEST

DATE: \_\_\_\_\_

NAME OF REQUESTING CITY OR AGENCY: \_\_\_\_\_

NAME OF CONTACT PERSON: \_\_\_\_\_

NAME OF STUDY OR PLAN: \_\_\_\_\_

IS THIS AN AMENDMENT TO A PREVIOUS PLAN? *Yes / No / Not Sure*

IS PROJECT ON OR ADJACENT TO A COUNTY HIGHWAY? *Yes / No / Not Sure*

NAME OF ADJACENT COUNTY ROADWAY(s): \_\_\_\_\_

OTHER INFORMATION:

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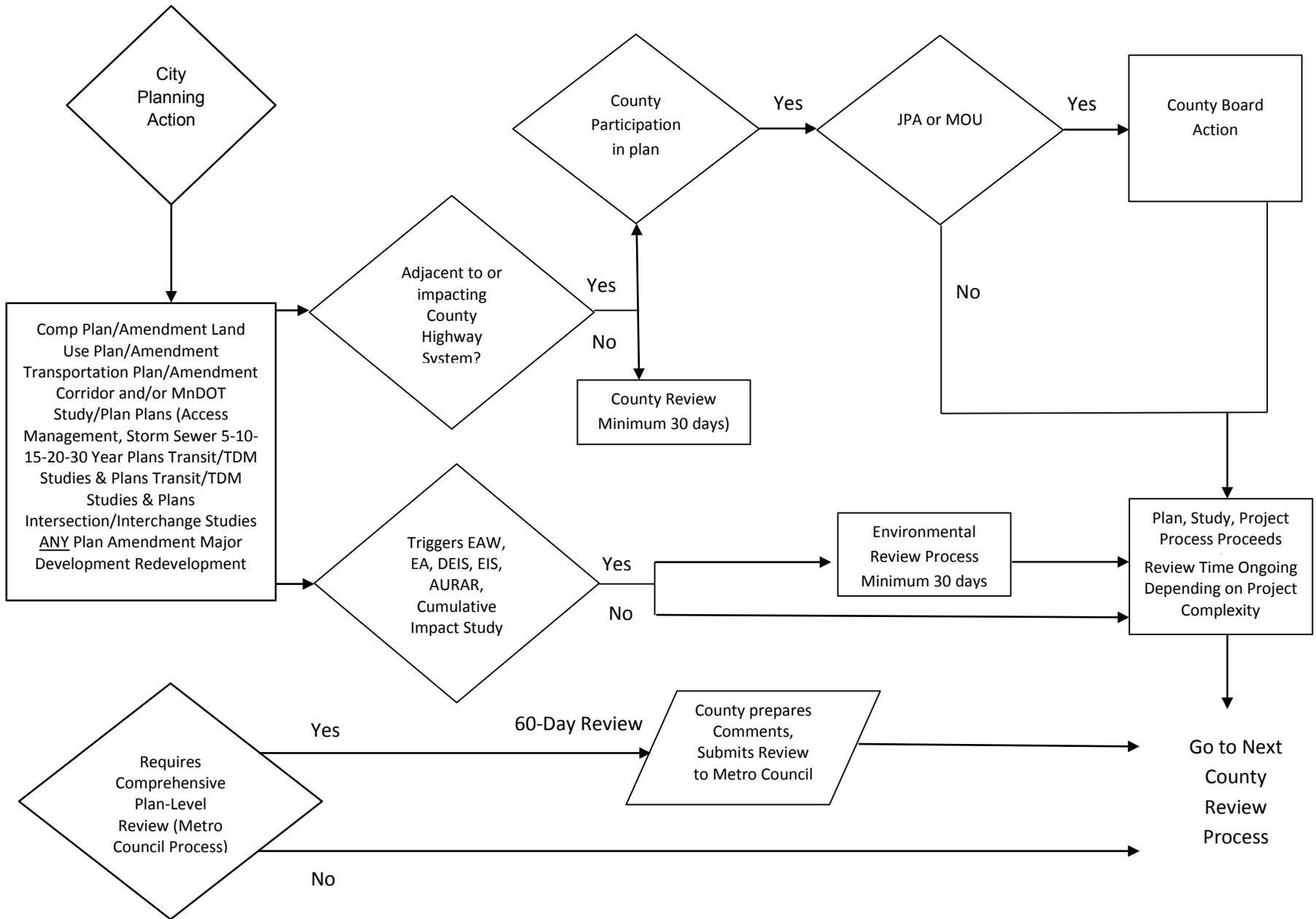
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Please email completed form to [Jack.Forslund@co.anoka.mn.us](mailto:Jack.Forslund@co.anoka.mn.us)

# Planning Document Review



# **IV. Plat/Site Plan Review**

## **Anoka County Highway Department**

Development Review Process

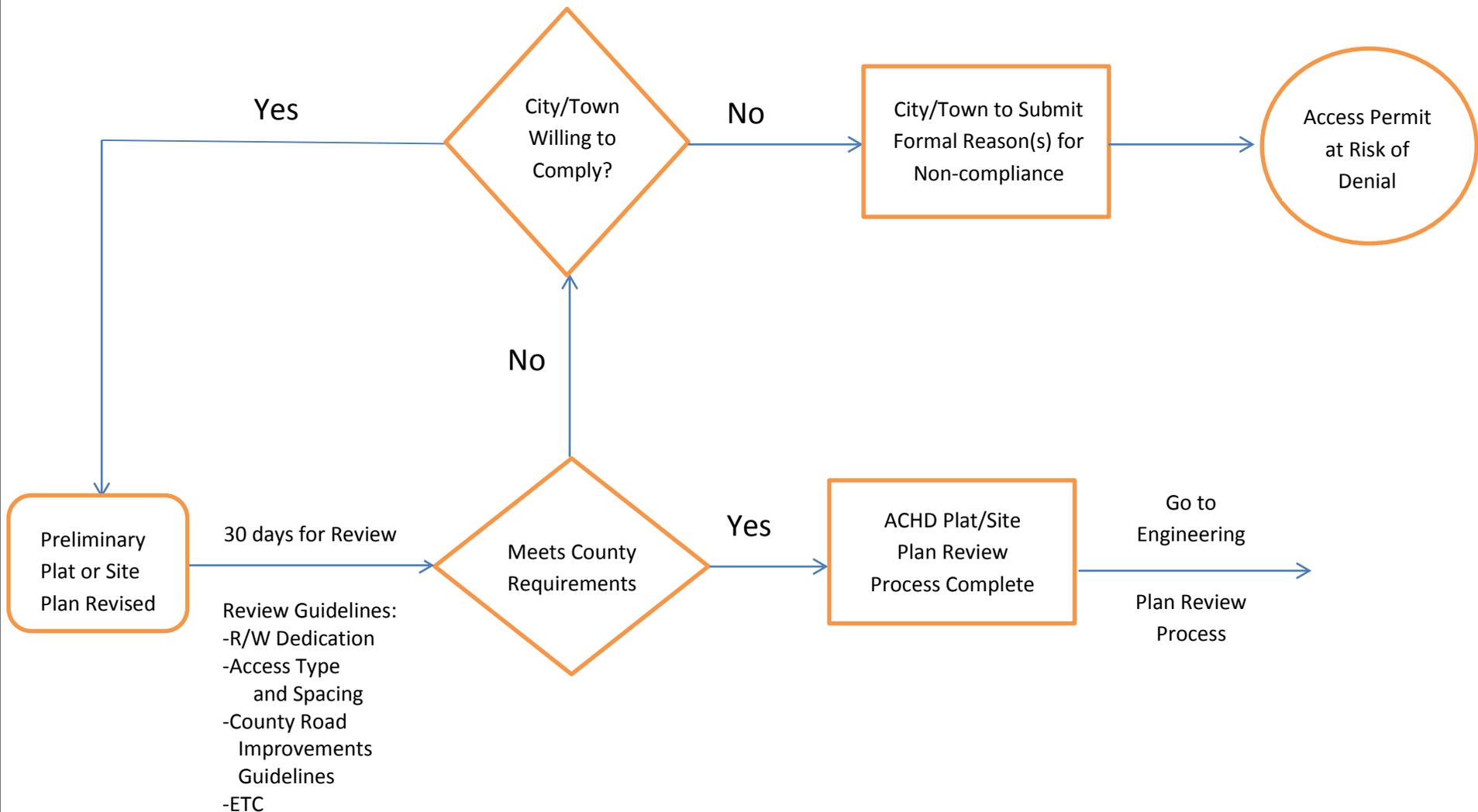
*August, 2014*

## Minnesota Statutes 2003, 505.03

### 505.03 Subd. 2. Plat approval; road review.

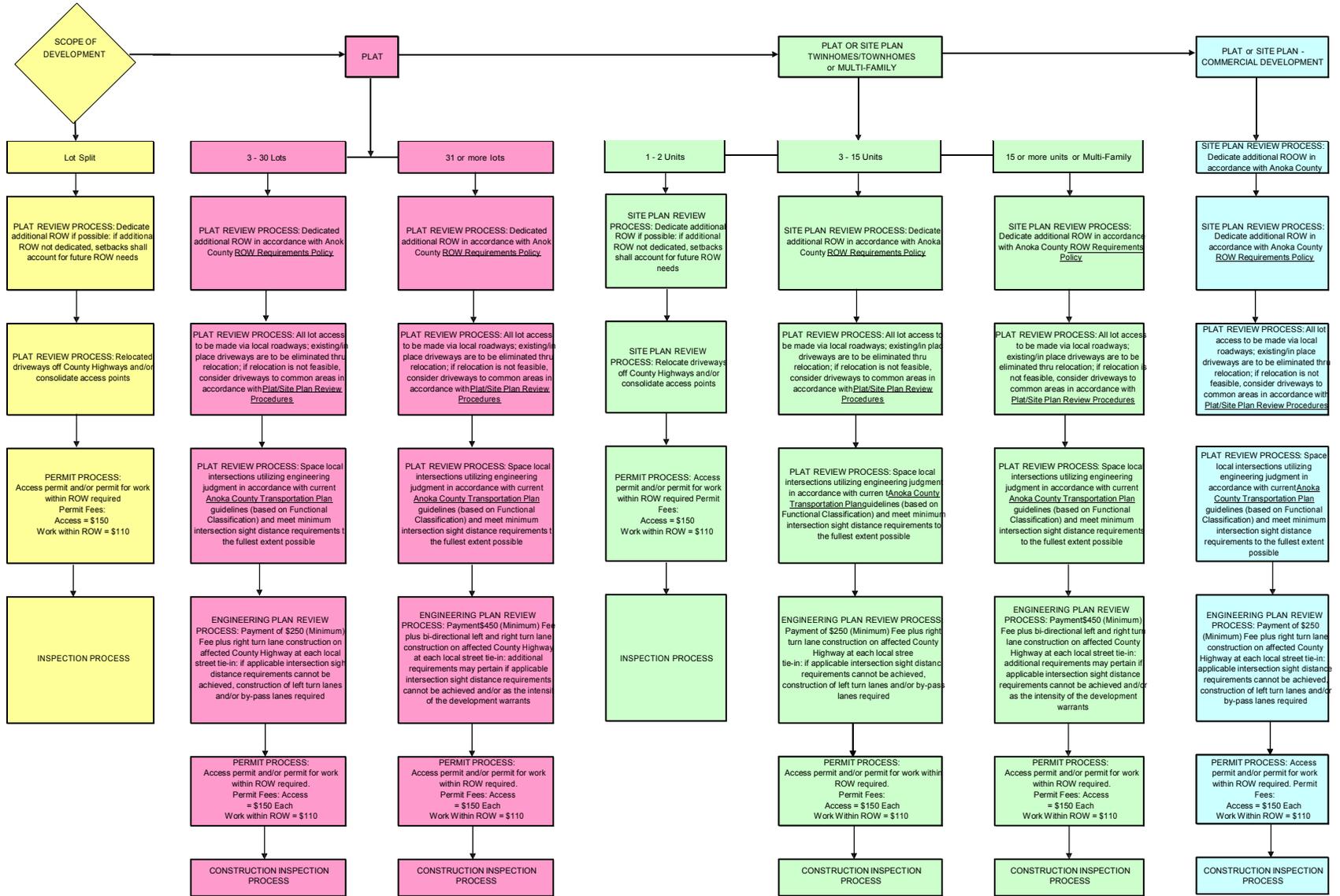
- (a) Any proposed preliminary plat in a city, town, or county, which includes lands abutting upon any existing or established trunk highway or proposed highway which has been designated by a centerline order filed in the office of the county recorder shall first be presented by the city, town, or county to the commissioner of transportation for written comments and recommendations. Preliminary plats in a city or town involving both a trunk highway and a highway under county jurisdiction shall be submitted by the city or town to the county highway engineer as provided in paragraphs (b) and (c) and to the commissioner of transportation. Plats shall be submitted by the city, town, or county to the commissioner of transportation for review at least 30 days prior to the home rule charter or statutory city, town or county taking final action on the preliminary plat. The commissioner of transportation shall submit the written comments and recommendations to the city, town, or county within 30 days after receipt by the commissioner of such a plat. Final action on such plat by the city, town, or county shall not be taken until after these required comments and recommendations have been received or until the 30-day period has elapsed.
- (b) Any proposed preliminary plat or initial plat filing that includes land located in a city or town bordering an existing or proposed county road, highway, or county state-aid highway that is designated on a map or county highway plan filed in the office of the county recorder or registrar of titles, must be submitted by the city or town to the county engineer within five business days after receipt by the city or town of the preliminary plat or initial plat filing for written comments and recommendations. The county engineer's review shall be limited to factors of county significance in conformance with adopted county guidelines developed through a public hearing or a comprehensive planning process with comment by the cities and towns. The guidelines must provide for development and redevelopment scenarios, allow for variances, and reflect consideration of city or town adopted guidelines.
- (c) Within 30 days after county receipt from the city or town of the preliminary plat or initial plat filing, the county engineer shall provide to the city or town written comments stating whether the plat meets county guidelines and describing any modifications necessary to bring the plat into conformity with the county guidelines. No city or town may approve a preliminary plat until it has received the county engineer's written comments and recommendations or until the county engineer's comment period has expired, whichever occurs first. Within ten business days following a city's or town's approval of a preliminary plat, the city or town shall submit to the county board notice of its approval, along with a statement addressing the disposition of any written comments or recommendations made by the county engineer. In the event the city or town does not amend the plat to conform to the recommendations made by the county engineer, representatives from the county and city or town shall meet to discuss the differences and determine whether changes to the plat are appropriate prior to final approval. This requirement shall not extend the time deadlines for preliminary or final approval as required under this section, section 15.99 or 462.358, or any other law, nor shall this requirement prohibit final approval as required by this section.

# Anoka County Highway Department Plat/Site Plan Review Process



four-page view of this flowchart.

FOR ALL DEVELOPMENTS: The first priority is to avoid introducing any new access points onto the county highway system. If this is not feasible, RUIRO access (with the applicable turn lane construction on the county highway system) is to be achieved. If this is not feasible, full-access intersection tie-ins may be constructed in accordance with the Matrix outlined above. The intensity of the development and/or other inherent safety issues may also require the completion of a detailed traffic study, construction of raised median channelization or possible full reconstruction of a portion of the affected County Highway(s) by the developer/development. If traffic signals at intersections on the county highway system become warranted on the basis of projected traffic and ACHD approves and/or requires their construction, the developer/City/Township shall be responsible for all costs associated with the traffic signal design, construction and maintenance. ACHD judgment in the review of all development proposals and vary from the Matrix For Roadway Improvements as applicable.



# ANOKA COUNTY HIGHWAY DEPARTMENT

## Plat/Site Plan Review – MATRIX FOR ROADWAY IMPROVEMENTS:

### Lot Splits

CREATED: DECEMBER 1, 2002; REVISED NOVEMBER 2003

#### LOT SPLITS:

##### Utilizing engineering judgment:

- Dedication of additional r/w adjacent to the county highway whenever possible in accordance with the *Right-of-way Requirements Policy*;
- If additional r/w cannot or is not dedicated, local building setbacks shall account for the future r/w needs;
- Relocate existing driveways off county highways and onto local roadways whenever possible. If driveway relocation is not feasible, consolidate driveways to common area(s) in accordance with the *Plat/Site Plan Review Procedures and ACHD Access Spacing Guidelines*;
- In rural areas, if driveways must be located on the county highway system, they shall include culverts with 6:1 safety grates and aprons;
- An *Access Permit and/or Permit for Work within the County Right-of-way* is required and must be obtained prior to the commencement of construction (see the PERMIT PROCESS).

#### FOR ALL LOT SPLITS:

The first priority is to avoid introducing any new access points onto the county highway system. If this is not feasible, RI/RO access (with the applicable turn lane construction on the county highway system) is to be achieved. If this is not feasible, full-access intersection tie-ins may be constructed in accordance with the Matrix outlined above. Although not likely with typical small-scale lot splits, the intensity of the development and/or other inherent safety issues may also require the completion of a detailed Traffic Study, construction of raised median channelization, or possible full reconstruction of a portion of the affected county highway(s) by the developer/City/Township in conjunction with the proposed development. If traffic signals at intersections on the county highway system become warranted on the basis of projected traffic and ACHD approves and/or requires their construction, the developer/City/Township shall be responsible for all costs associated with the traffic signal design, construction and maintenance. ACHD reserves the right to exercise engineering judgment in the review of all development proposals and vary from the Matrix outlined above as applicable.

**ANOKA COUNTY HIGHWAY DEPARTMENT**  
Plat/Site Plan Review – MATRIX FOR ROADWAY IMPROVEMENTS:  
**Residential Developments**

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CREATED: DECEMBER 1, 2002; REVISED NOVEMBER 2003

**RESIDENTIAL DEVELOPMENTS:**

**3 – 30 LOTS**

**Utilizing engineering judgment:**

- Dedication of additional r/w adjacent to the county highway shall be completed in accordance with the *Right-of-way Requirements Policy*;
- All lot access is to be made from local roadways; Existing/inplace driveways are to be eliminated thru relocation onto local roadways; If driveway relocation is not feasible, consolidate driveways to common area(s) in accordance with the *Plat/Site Plan Review Procedures*;
- Local roadway intersections on the county highway system are to be spaced utilizing engineering judgment, in accordance with the current *ACHD Access Spacing Guidelines* (based upon the speed limit and/or functional classification of the affected roadway) and shall meet minimum intersection sight distance requirements to the fullest extent possible as outlined in the *Plat/Site Plan Review Procedures*;
- As a part of the ACHD permit process, right turn lane construction on the affected county highway shall be required at each new local street tie-in. If the applicable intersection sight distance requirements cannot be achieved at an approved local street tie-in, the construction of left turn lane(s) and/or by-pass lane(s) will be required. Cost for the design and construction of the turn lane(s) shall be borne by the developer/City/Township. Design details for the turn lane construction shall meet State Aid and/or ACHD standards (see the ENGINEERING PLAN REVIEW PROCESS);
- The City/Township should anticipate that left turn lane construction will be required in the future as adjacent property develops, and give consideration to escrowing funds thru the present development for the future turn lane construction needs.
- In rural areas, if driveways must be located on the county highway system, they shall include culverts with 6:1 safety grates and aprons;
- An *Access Permit and/or Permit For Work within The County Right-of-way* is required and must be obtained prior to the commencement of construction (see the PERMIT PROCESS)

**Utilizing engineering judgment:**

- Dedication of additional r/w adjacent to the county highway shall be completed in accordance with the *Right-of-way Requirements Policy*;
- All lot access is to be made from local roadways; Existing/inplace driveways are to be eliminated thru relocation onto local roadways; If driveway relocation is not feasible, consolidate driveways to common area(s) in accordance with the *Plat/Site Plan Review Procedures*;
- Local roadway intersections on the county highway system are to be spaced utilizing engineering judgment, in accordance with the current *ACHD Access Spacing Guidelines* (based upon the speed limit and/or functional classification of the affected roadway) and shall meet minimum intersection sight distance requirements to the fullest extent possible as outlined in the *Plat/Site Plan Review Procedures*;
- As a part of the ACHD permit process, left and right turn lane construction on the affected county highway shall be required at each new local street tie-in. Additional requirements may pertain if the applicable intersection sight distance requirements cannot be achieved at an approved local street tie-in and/or as the intensity of the development warrants. Cost for the design and construction of the turn lane(s) shall be borne by the developer/City/Township. Design details for the turn lane construction shall meet State Aid and/or ACHD standards (see the ENGINEERING PLAN REVIEW PROCESS);
- In rural areas, if driveways must be located on the county highway system, they shall include culverts with 6:1 safety grates and aprons;
- An *Access Permit and/or Permit For Work Within The County Right-of-way* is required and must be obtained prior to the commencement of construction (see the PERMIT PROCESS).

**FOR ALL RESIDENTIAL DEVELOPMENTS:**

The first priority is to avoid introducing any new access points onto the county highway system. If this is not feasible, RI/RO access (with the applicable turn lane construction on the county highway system) is to be achieved. If this is not feasible, full-access intersection tie-ins may be constructed in accordance with the Matrix outlined above. The intensity of the development and/or other inherent safety issues may also require the completion of a detailed Traffic Study, construction of raised median channelization or possible full reconstruction of a portion of the affected county highway(s) by the developer/City/Township in conjunction with the proposed development. If traffic signals at intersections on the county highway system become warranted on the basis of projected traffic and ACHD approves and/or requires their construction, the developer/City/Township shall be responsible for all costs associated with the traffic signal design, construction and maintenance. ACHD reserves the right to exercise engineering judgment in the review of all development proposals and vary from the Matrix outlined above as applicable.

ANOKA COUNTY HIGHWAY DEPARTMENT Plat/Site  
Plan Review – MATRIX FOR ROADWAY IMPROVEMENTS:  
**Townhomes, Twinhomes, Duplex or Multi-Family Developments**

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CREATED: DECEMBER 1, 2002; REVISED NOVEMBER 2003

**TOWNHOME, TWINHOME AND DUPLEX DEVELOPMENTS:**

**1 – 2 UNITS**

**Utilizing engineering judgment:**

- Dedication of additional r/w adjacent to the county highway whenever possible in accordance with the *Right-of-way Requirements Policy*;
- If additional r/w cannot or is not dedicated, local building setbacks shall account for the future r/w needs;
- Relocate existing driveways off county highways and onto local roadways whenever possible. If driveway relocation is not feasible, consolidate driveways to common area(s) in accordance with the *Plat/Site Plan Review Procedures* and the *ACHD Access Spacing Guidelines*;
- In rural areas, if driveways must be located on the county highway system, they shall include culverts with 6:1 safety grates and aprons;
- An *Access Permit* and/or *Permit For Work Within The County Right-of-way* is required and must be obtained prior to the commencement of construction.

**2 – 15 UNITS**

**Utilizing engineering judgment:**

- Dedication of additional r/w adjacent to the county highway shall be completed in accordance with the *Right-of-way Requirements Policy*;
- All lot access is to be made from local roadways; Existing/inplace driveways are to be eliminated thru relocation onto local roadways; If driveway relocation is not feasible, consolidate driveways to common area(s) in accordance with the *Plat/Site Plan Review Procedures*;
- Local roadway intersections on the county highway system are to be spaced utilizing engineering judgment, in accordance with the current *ACHD Access Spacing Guidelines* (based upon the speed limit and/or functional classification of the affected roadway) and shall meet minimum intersection sight distance requirements to the fullest extent possible as outlined in the *Plat/Site Plan Review Procedures*;
- As a part of the *ACHD* permit process, right turn lane construction on the affected county highway shall be required at each new local street tie-in. If the applicable intersection sight distance requirements cannot be achieved at an approved local street tie-in, the construction of left turn lane(s) and/or by-pass lane(s) will be required. Cost for the design and construction of

the turn lane(s) shall be borne by the developer/City/Township. Design details for the turn lane construction shall meet State Aid and/or ACHD standards (see the ENGINEERING PLAN REVIEW PROCESS);

- The City/Township should anticipate that left turn lane construction will be required in the future as adjacent property develops, and give consideration to escrowing funds thru the present development for the future turn lane construction needs.
- In rural areas, if driveways must be located on the county highway system, they shall include culverts with 6:1 safety grates and aprons;
- An Access Permit and/or Permit *For Work Within The County Right-of-way* is required and must be obtained prior to the commencement of construction (see the PERMIT PROCESS).

### **TOWNHOME, TWINHOME, DUPLEX OR MULTI-FAMILY DEVELOPMENTS:**

#### **MULTI-FAMILY or 15+ UNITS TWINHOME, TOWNHOME or DUPLEX**

#### **Utilizing engineering judgment:**

- Dedication of additional r/w adjacent to the county highway shall be completed in accordance with the *Right-of-way Requirements Policy*;
- All lot access is to be made from local roadways; Existing/inplace driveways are to be eliminated thru relocation onto local roadways; If driveway relocation is not feasible, consolidate driveways to common area(s) in accordance with the *Plat/Site Plan Review Procedures*;
- Local roadway intersections on the county highway system are to be spaced utilizing engineering judgment, in accordance with the current ACHD Access Spacing Guidelines (based upon the functional classification of the affected roadway) and shall meet minimum intersection sight distance requirements to the fullest extent possible as outlined in the *Plat/Site Plan Review Procedures*;
- As a part of the ACHD permit process, left and right turn lane construction on the affected county highway shall be required at each new local street tie-in. Additional requirements may pertain if the applicable intersection sight distance requirements cannot be achieved at an approved local street tie-in and/or as the intensity of the development warrants. Cost for the design and construction of the turn lane(s) shall be borne by the developer/City/Township. Design details for the turn lane construction shall meet State Aid and/or ACHD standards; (see the ENGINEERING PLAN REVIEW PROCESS);
- In rural areas, if driveways must be located on the county highway system, they shall include culverts with 6:1 safety grates and aprons;
- An *Access Permit and/or Permit For Work Within The County Right-of-way* is required and must be obtained prior to the commencement of construction (see the PERMIT PROCESS).

**FOR ALL TOWNHOME, TWINHOME, DUPLEX OR MULTI-FAMILY DEVELOPMENTS:** The first priority is to avoid introducing any new access points onto the county highway system. If this is not feasible, RI/RO access (with the applicable turn lane construction on the county highway system) is to be achieved. If this is not feasible, full-access intersection tie-ins may be constructed in accordance with the Matrix outlined above. The intensity of the development and/or other inherent safety issues may also require the completion of a detailed Traffic Study, construction of raised median channelization or possible full reconstruction of a portion of the affected county highway(s) by the developer/City/Township in conjunction with the proposed development. If traffic signals at intersections on the county highway system become warranted on the basis of projected traffic and ACHD approves and/or requires their construction, the developer/City/Township shall be responsible for all costs associated with the traffic signal design, construction and maintenance. ACHD reserves the right to exercise engineering judgment in the review of all development proposals and vary from the Matrix outlined above as applicable.

ANOKA COUNTY HIGHWAY DEPARTMENT Plat/Site  
Plan Review – MATRIX FOR ROADWAY IMPROVEMENTS:  
**Commercial Developments**

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CREATED: DECEMBER 1, 2002; REVISED NOVEMBER 2003

**ALL COMMERCIAL DEVELOPMENTS:**

**Utilizing engineering judgment:**

- Dedication of additional r/w adjacent to the county highway shall be completed in accordance with the Right-of-way Requirements Policy;
- All lot access is to be made from local roadways; Existing/inplace driveways are to be eliminated thru relocation onto local roadways; If driveway relocation is not feasible, consolidate driveways to common area(s) in accordance with the Plat/Site Plan Review Procedures;
- Local roadway intersections on the county highway system are to be spaced utilizing engineering judgment, in accordance with the current ACHD Access Spacing Guidelines (based upon the speed limit and/or functional classification of the affected roadway) and shall meet minimum intersection sight distance requirements to the fullest extent possible as outlined in the Plat/Site Plan Review Procedures; Whenever possible, Commercial Developments shall obtain cross easements with adjacent commercial properties or create/construct frontage roads so as to minimize the proliferation of access points on the county highway system; If cross easements and/or frontage roads are not initially necessary, Commercial Development building setbacks and site plan design shall accommodate this future need without requiring major internal relocation/reconstruction by the developer/owner;
- As a part of the ACHD permit process, turn lane construction on the affected county highway shall be required at each new local street tie-in and/or access point (consisting of right turn lane construction and/or left turn lane construction). Additional requirements may pertain if the applicable intersection sight distance requirements cannot be achieved at an approved local street tie-in/access point and/or as the intensity of the development warrants. Cost for the design and construction of the turn lane(s) shall be borne by the developer/City/Township. Design details for the turn lane construction shall meet State Aid and/or ACHD standards (see the ENGINEERING PLAN REVIEW PROCESS);
- In rural areas, if driveways must be located on the county highway system, they shall include culverts with 6:1 safety grates and aprons;
- An Access Permit and/or Permit For Work Within The County Right-of- way is required and must be obtained prior to the commencement of construction (see the PERMIT PROCESS).

**FOR ALL COMMERCIAL DEVELOPMENTS:**

The first priority is to avoid introducing any new access points onto the county highway system. If this is not feasible, RI/RO access (with the applicable turn lane construction on the county highway system) is to be achieved. If this is not feasible, full-access intersection tie-ins may be constructed in accordance with the Matrix outlined above. The intensity of the development and/or other inherent safety issues may also require the completion of a detailed Traffic Study, construction of raised median channelization or possible full reconstruction of a portion of the affected county highway(s) by the developer/City/Township in conjunction with the proposed development. If traffic signals at intersections on the county highway system become warranted on the basis of projected traffic and ACHD approves and/or requires their construction, the developer/City/Township shall be responsible for all costs associated with the traffic signal design, construction and maintenance. ACHD reserves the right to exercise engineering judgment in the review of all development proposals and vary from the Matrix outlined above as applicable.

# ANOKA COUNTY HIGHWAY DEPARTMENT

## PLAT /SITE PLAN REVIEW PROCEDURES

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Developed: February 27, 1995; Revised December 2003

Typical plat and site plan review procedures consist of an evaluation of the following elements:

### RIGHT-OF-WAY DEDICATION

Additional right-of-way is requested based on functional classification of the roadway and future roadway design.

Rural Sections = 60 feet r/w each side of centerline depending on functional classification

Urban Sections = 60 feet r/w each side of centerline depending on functional classification

Principal arterials = 60-75 feet r/w each side of centerline; request additional setback

### ACCESS SPACING – STREETS

Accesses onto the County Highway System are eliminated or consolidated whenever possible. If new street accesses cannot be eliminated, they are requested to meet minimum intersection sight distance requirements (including landscaping plans), which are based on speed limits and are detailed in MNDOT'S Design Manual. Turn lane construction or other safety improvements are required to be completed by the Developer and/or City in conjunction with almost all developments impacting the County Highway System (see 9/2003 fee schedule and applicable matrix for roadway improvements). The anticipated required county highway improvements and the associated engineering plan review fees will be outlined as a part of the Plat/Site Plan review process.

### ACCESS SPACING – DRIVEWAYS

If a parcel has access to a local roadway as well as a County Highway, access for that parcel shall be made from the Local Roadway only. If a parcel must access a County Highway directly, access points are assigned based on engineering judgment. Factors considered are: maximizing the available sight distance, location of adjacent access points, proximity to major intersection, etc. Whenever possible, access for adjacent parcels are located within 30 feet of a common lot line, rather than forcing the property owners to share a common access.

### FUTURE RECONSTRUCTION

The likelihood of anticipated future roadway reconstruction is evaluated, and the associated impacts to the site/plat are communicated to the Developer as well as to the City/Township. Required interim roadway improvements are identified as applicable, and specific mention is made regarding any possible channelization or median construction which will change access points in the future, making them right turn in/right turn out accesses only.

### DRAINAGE – DISCHARGE INTO COUNTY DRAINAGE SYSTEM

The Plat/Development/Site Plan shall conform to the following requirements: Cities less than or equal to 10,000 population and Townships: The post-developed rate of runoff must not exceed the pre-developed rate runoff for the 5-year, critical design storm. Cities greater than 10,000 populations: Same as above, except the 10-year, critical design storm shall be used to calculate the runoff rates.

### NOISE

It should be noted that residential land use adjacent to highways usually results in complaints regarding traffic noise. Traffic noise adjacent to residential areas could exceed noise standards established by the U.S. Department of Housing and Urban Development and the Minnesota

Pollution Control Agency. Anoka County policy regarding new developments adjacent to existing county highways prohibits the expenditure of highway funds for noise mitigation measures. The City and/or the Developer should assess the noise situation and take any action deemed necessary to minimize associated impacts at this site from any traffic noise.

#### ENGINEERING PLAN REVIEW PROCESS

**Any improvements required on the County Highway system shall be shown on the Site Plan. Detailed design will be reviewed following submittals of engineering plans and specifications upon Plat/Site Plan completion.**

#### PERMIT PROCESS

If any work is to be performed within the County right-of-way, a permit is required and must be obtained prior to the commencement of any construction (see permit fee schedule). License permit bonding, method of construction, design details, work zone traffic control, landscaping plans, restoration requirements and follow-up inspections are typical elements of the permitting process. A driveway/access permit is also often times applicable (see permit fee schedule). Final permits for access or work within the County right-of-way shall not be issued prior to:

- 1) Receipt of engineering plans that meet ACHD standards/approval;
- 2) Registration as an Anoka County Highway Department right-of-way user;
- 3) Receipt of all applicable permit fees, access fees and Commercial Site Plan/Plat/Twinhome/Townhome Plan review fees.

**Anoka County Highway Department  
Access Spacing Guidelines**

Roadway Type	Route Speed (MPH)	Intersection Spacing (Nominal <sup>(4)</sup> )		Signal Spacing	Private Access <sup>(1)</sup>
		Full Movement Intersection	Conditional Secondary Intersection <sup>(2)</sup>		
Principal Arterial	50 - 55	1 mi.	1/2 mi.	1 mi.	Subject to conditions for all roadway types and speeds
	40 - 45	1/2 mi.	1/4 mi.	1/2 mi.	
	< 40	1/8 mi.	300 - 660 feet <sup>(3)</sup>	1/4 mi.	
Arterial Expressway	50 - 55	1 mi.	1/2 mi.	1 mi.	
Minor Arterial	50 - 55	1/2 mi.	1/4 mi.	1/2 mi.	
	40 - 45	1/4 mi.	1/8 mi.	1/4 mi.	
	<40	1/8 mi.	300 - 660 feet <sup>(3)</sup>	1/4 mi.	
Collector and Local	50 - 55	1/2 mi.	1/4 mi.	1/2 mi.	
	40 - 45	1/8 mi.	N/A	1/4 mi.	
	<40	1/8 mi.	300 - 660 feet <sup>(3)</sup>	1/8 mi.	
Specific Access Plan		By adopted plan/agreement/covenant on land			

- (1) Private access refers to residential, commercial, industrial and institutional driveways. Reference Anoka County's Development Review Manual for specifics on private access.**
- (2) Conditional secondary access is defined as right-in/out.**
- (3) Access spacing may be determined by planning documents approved by the county (e.g., Lino Lakes I-35E AUAR)**
- (4) Any spacing deviations shall have a detailed traffic study completed by the requesting agency, AND approved by the County Engineer.**

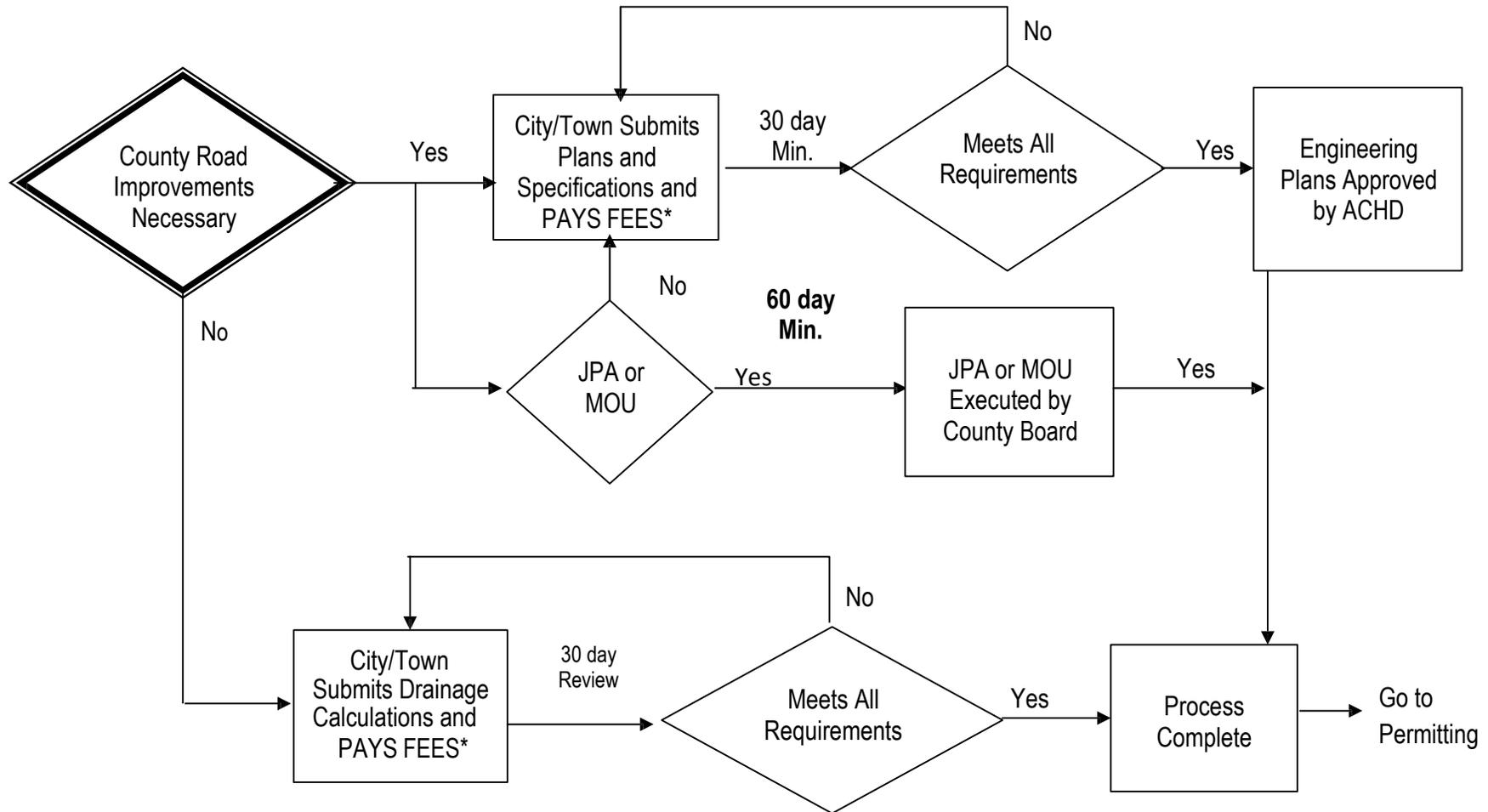
# **V. Engineering Plan Review**

## **Anoka County Highway Department**

Development Review Process

*August, 2014*

## Engineering Plan Review Process



\*Fees to be Made Payable to Anoka County Highway Department

**ANOKA COUNTY HIGHWAY DEPARTMENT**  
**Design Requirements Checklist for County Highway Modifications**  
 (To be submitted with plans and specifications)

**Development/Project Name:** \_\_\_\_\_

**County Highway No.(s):** \_\_\_\_\_

**Submittal Date:** \_\_\_\_\_

The design shall meet State Aid Standards and the following:				Revised: July 8, 2014
Design Detail	Desired Standard	Minimum Standard	Standard Achieved (Yes* or No** or NA)	Notes * - if Yes, circle, highlight or note standard ** - if No provide value used with justification (additional documentation if necessary)
<b>ALL HIGHLIGHTED ITEMS MUST BE SHOWN IN PLANS AND/OR SPECIFICATIONS</b>				
<b>GENERAL</b>				
DESIGN YEAR	20-yr traffic	Existing Traffic		
DESIGN VEHICLE	WB-62	WB-50		
DESIGN SPEED	Posted			
<b>VERTICAL ALIGNMENT</b>				
HIGHWAY GRADE		0.5% Min		
STREET APPROACH GRADE	0.5% - 25' Landing	2% - 20' Landing		
<b>ENTRANCE GRADES:</b>				
Residential	<10%	15% Max		
Commercial	<6%	8% Max		
BIKE PATH GRADE	MnDOT Bikeway Facility Design Manual			
<b>INTERSECTION ELEMENTS</b>				
STREET APPROACH RADIUS	Design Vehicle	30'		
TRAFFIC SIGNAL	Contact ACHD Traffic Department If Applicable			
CROSSWALK	If signal			
STOP BAR	If signal			
ADA RAMP	All sidewalk/trail crossings			
SIGHT DISTANCE	MnDOT Road Design Manual Chapter 5			
<b>CROSS SECTION ELEMENTS</b>				
TYPICAL SECTION	Show widths, slopes, depths, materials, curb etc.			
CROSS SECTIONS	50' Intervals, show ditches.	100' Intervals, show ditches.		
<b>SECTION DEPTH and MATERIALS</b>				
Through Lane	Using R value and 20-yr ESALs	2" Wear (SPWEB340C), 2" Non-Wear (2.0" SPNW330C), 6" CI 5		
Left Turn Lane	Using Through Lane R value and 20-yr ESALs	2" Wear (SPWEB340C), 2" Non-Wear (2.0" SPNW330C), 6" CI 5		
Right Turn/Bypass Lane (See attached details)	Using Through Lane R value and 20-yr ESALs	Proj. ADT <= 5000: 2" Wear (SPWEB340C), 2" Non-Wear (2.0" SPNW330C), 6" CI 5		
	Using Through Lane R value and 20-yr ESALs	Proj. ADT 5000 TO 10,000: 1.5" Wear (SPWEB340C), 1.5" Non-Wear (2.0" SPNW330C), 6" CI 5		
	Using Through Lane R value and 20-yr ESALs	Proj. ADT >= 10,000: 2" Wear (SPWEB340C), 2" Non-Wear (2.0" SPNW330C), 6" CI 5		

The design shall meet State Aid Standards and the following:

Revised: July 8, 2014

Design Detail	Desired Standard	Minimum Standard	Standard Achieved (Yes* or No** or NA)	Notes * - if Yes, circle, highlight or note standard ** - if No provide value used with justification (additional documentation if necessary)
<b>ALL HIGHLIGHTED ITEMS MUST BE SHOWN IN PLANS AND/OR SPECIFICATIONS</b>				
<b>LANE WIDTH:</b>				
Through Lane		12'		
Left Turn Lane	13'	12'		
Right Turn Lane	13'	12'		
<b>SHOULDER WIDTH:</b>				
Urban	8'	2' (B-minor and below)		
Rural (ADT>1500)	8'	6' (collector and below)		
Rural (ADT<1500)	6'	2' or existing if greater		
CURB REACTION DISTANCE		1' (median) 2' (outside)		
<b>CROSS SLOPES:</b>				
Through Lane		2%		
Left Turn Lane		2%		
Right Turn Lane	2.5%	2%		
Shoulder		Match adjacent lane		
TURN LANE LENGTH (SEE ATTACHED DETAILS)	Based on Peak hour traffic	300'		
TURN LANE TAPER (SEE ATTACHED DETAILS)	1:15	1:10 (only if 1:15 not possible)		
<b>TYPE OF CURB AND GUTTER:</b>				
With Design Speed >= 45mph	B424	B418 (or match existing)		
With Design Speed < 45mph	B624	B618 (or match existing)		
MEDIAN WIDTH		4' (at turn lanes)		
MEDIAN SURFACE MATERIAL	Concrete			
<b>INSLOPE:</b>				
Urban		1:4 inside clear zone 1:3 outside clear zone		
Rural		1:4 inside clear zone 1:3 outside clear zone		
BACKSLOPE	1:4	1:3		
DITCH BOTTOM WIDTH	8'	5'		
<b>CLEAR ZONES:</b>				
Urban		10'		
Rural		30'		
Bike Path		2'		

The design shall meet State Aid Standards and the following:

Revised: July 8, 2014

Design Detail	Desired Standard	Minimum Standard	Standard Achieved (Yes* or No** or NA)	Notes * - if Yes, circle, highlight or note standard ** - if No provide value used with justification (additional documentation if necessary)
<b>ALL HIGHLIGHTED ITEMS MUST BE SHOWN IN PLANS AND/OR SPECIFICATIONS</b>				
BIKE PATH WIDTH		8'		
BIKE PATH SURFACE	Bituminous			
RURAL: DISTANCE BETWEEN PATH AND THROUGH LANE	22'	10' (Design Speed < 40 mph)		
URBAN: DISTANCE BETWEEN PATH AND GUTTER	10'	6.5' (2.5' paved at turn lane)		
DISTANCE BETWEEN PATH AND RIGHT OF WAY	4'	2' (if no power poles)		
<b>RIGHT OF WAY WIDTH:</b>				
Principal Arterial	150'			
Minor Arterial (urban)	120'			
Minor Arterial (2-lane rural)	120'			
Minor Arterial (4-lane rural)	150'	140' (no trail)		
Collector	120'			
<b>DRAINAGE</b>				
GENERAL	Conform to NPDES Phase II Requirements			
HYDROLOGY	Rural areas and mixed urban and rural areas use SCS CN method	Urban areas with less than 25 acres use Rational method		
DESIGN STORM (FOR DISCHARGE INTO COUNTY R/W):				
Cities/Townships < 5000	5-year critical event			
Cities/Townships > 5000	10-year critical event			
DISCHARGE RATE (INTO COUNTY R/W)	Post-development < Pre-development			
<b>STORM SEWER</b>				
DESIGN FREQUENCY	10-year, 50-year at sags			
<b>PIPE SIZE:</b>				
Laterals	15"	12"		
Main	By Hydraulic Design	15"		
TYPE OF PIPE	RCP Design 3006			
MAXIMUM SPREAD	MnDOT State Aid Manual			
PIPE COVER	2'			
PIPE VELOCITY	3 ft./sec.			
STRUCTURE TYPE	Precast Concrete			
<b>CASTING ASSEMBLIES:</b>				
Catch Basins	MnDOT 816, 806, 825			
Manholes	MnDOT 715,700-4			
Drop Inlets	MnDOT 720 (Standard Plate 4140D)			

The design shall meet State Aid Standards and the following:

Revised: July 8, 2014

Design Detail	Desired Standard	Minimum Standard	Standard Achieved (Yes* or No** or NA)	Notes * - if Yes, circle, highlight or note standard ** - if No provide value used with justification (additional documentation if necessary)
<b>ALL HIGHLIGHTED ITEMS MUST BE SHOWN IN PLANS AND/OR SPECIFICATIONS</b>				
<i>CULVERTS</i>				
DESIGN FREQUENCIES:				
Street Approach/Driveway	10-year			
Centerline	50-year			
PIPE SIZE				
Driveway	By Hydraulic Design	15" (18" if L >= 60')		
Street Approach	By Hydraulic Design	18" (24" if L >= 60')		
Centerline	By Hydraulic Design	24"		
CULVERT TYPE:				
Residential Driveway	CSP			
Commercial Driveway	RCP Design 3006			
Street Approach	RCP Design 3006			
Centerline	RCP Design 3006			
PIPE COVER		2'		
PIPE BEDDING		Per MnDOT Guidelines		
ALLOWABLE HEADWATER		1' from shoulder PI		
SAFETY APRONS:				
Perpendicular Pipe	If ≥ 30" pipe end inside clear zone			
Parallel Pipe	If pipe end inside clear zone			
SAFETY GRATES:				
Perpendicular Pipe	If ≥ 30" pipe inside clear zone			
Parallel Pipe	If ≥ 24" pipe end inside clear zone			
TRASH GUARD		If outlet, then all inlets		
CONCRETE PIPE TIES	All Culvert Joints	Last 3 joints to outlet		
<i>PONDS</i>				
<b>NO PONDING ALLOWED IN ANOKA COUNTY RIGHT OF WAY</b>				
GRADING PLAN	1' contour interval			
TYPICAL SLOPES/BENCHES	1:10 at NWL for 10'; 1:4 above and below NWL	1:6 above and below NWL		
PERMANENT POOL VOLUME	Per watershed district requirement	Equal to runoff from 2.5" rainfall		
100-YEAR WATER LEVEL	1' below shoulder PI			
OUTLET STRUCTURE DESIGN	Control the proposed 1- or 2-year and 100-year runoff rates to pre-project rates.			
EMERGENCY SPILLWAY	Provide for events larger than 100-year			

The design shall meet the State Aid Standards and the following

Revised: July 8, 2014

Design Detail	Desired Standard	Minimum Standard	Standard Achieved (Yes* or No** or NA)	Notes * - if Yes, circle, highlight or note standard ** - if No provide value used with justification (additional documentation if necessary)
<b>ALL HIGHLIGHTED ITEMS MUST BE SHOWN IN PLANS AND/OR SPECIFICATIONS</b>				
<b>EROSION CONTROL</b>				
SILT FENCE	Placed around project perimeter.	All points of discharge off the project		
ROCK ENTRANCES, 1.5" WASHED ROCK	Length 100'	Length 50'		
REFERENCE	MnDOT Erosion Control Handbook, by Office of Environmental Services			
<b>MISCELLANEOUS</b>				
LANDSCAPING/STREETSCAPING	Conform to ACHD Landscape/Streetscape Guidelines			
<b>TURF ESTABLISHMENT:</b>				
Sod	Residential yards; commercial boulevards where irrigated			
Sod Type	Per MnDOT Spec 3878			
Seed and Mulch	All other areas, including boulevards that are not irrigated.			
Seed Type	328 - ditches, 260 - boulevards			
Mulch Type	Type 1, Disk Anchored			
EROSION CONTROL BLANKET	On slopes 1:3 and steeper			
<b>PAVEMENT MARKINGS:</b>				
Lane Markings	Epoxy	Latex		
Pavement Messages, Arrows, X-Walks, Stop Lines	Durable Marking			
UTILITIES	Precon mtg. w/all area designs	Notify all utilities prior to const. to allow for relocation.		
LIST OF STANDARD PLATES	All standard plates used in ACHD right-of-way			
<b>NOTE (1) DESIGN REQUIREMENTS NOT TO BE CONSTRUED AS COMPREHENSIVE. ADDITIONAL ITEMS MAY BE REQUIRED.</b>				
<b>NOTE (2) BETWEEN MAY 15TH AND OCTOBER 15TH ANOKA COUNTY CREWS MAY DO THE STRIPING WORK (COORDINATED THROUGH PERMIT).</b>				
SIGNATURE _____			DATE _____	
MN P.E. REGISTRATION NUMBER _____			COMPANY _____	

**ANOKA COUNTY HIGHWAY DEPARTMENT**  
**Drainage Requirements Checklist for Discharge into Anoka Drainage System**

**No County Highway Modifications**  
 (To be submitted with plans and specifications)

**Development/Project Name:** \_\_\_\_\_

**County Highway No.(s):** \_\_\_\_\_

**Submittal Date:** \_\_\_\_\_

**The design shall meet State Aid Standards and the following:** Revised: July 8, 2014

Design Detail	Desired Standard	Minimum Standard	Standard Achieved (Yes* or No** or NA)	Notes * - if Yes, circle, highlight or note standard ** - if No provide value used with justification (additional documentation if necessary)
<b>ALL HIGHLIGHTED ITEMS MUST BE SHOWN IN PLANS AND/OR SPECIFICATIONS</b>				
GENERAL	Conform to NPDES Phase II Requirements			
HYDROLOGY	Rural areas and mixed urban and rural areas use SCS CN method	Urban areas with less than 25 acres use rational method		
DESIGN STORM (FOR DISCHARGE INTO COUNTY RW)				
Cities/Townships < 5000	5-year critical event			
Cities/Townships > 5000	10-year critical event			
DISCHARGE RATE (INTO COUNTY RW)	Post-development < Pre-development			
<b>STORM SEWER</b>				
DESIGN FREQUENCY	10-year, 50year at sags			
PIPE SIZE:				
Laterals	15"	12"		
Main	By Hydraulic Design	15"		
TYPE OF PIPE	RCP Design 3006			
MAXIMUM SPREAD	MnDOT State Aid Manual			
PIPE COVER		2"		
PIPE VELOCITY		3.ft/sec		
STRUCTURE TYPE	Precast Concrete			
CASTING ASSEMBLIES:				
Catch Basins	MnDOT 806, 806, 825			
Manholes	MnDOT 715, 700-4			
Drop Inlets	MnDOT 720 (Standard Plate 4140D)			
<b>CULVERTS</b>				
DESIGN FREQUENCIES:				
Street Approach/Driveway	10-year			
Centerline	50-year			
PIPE SIZE:				
Driveway	By Hydraulic Design	15" (18" if L >60')		
Street Approach	By Hydraulic Design	18" (24" if L > 60")		
Centerline	By Hydraulic Design	24"		

Design Detail	Desired Standard	Minimum Standard	Standard Achieved (Yes or No* or NA)	Notes * - if Yes, circle, highlight or note standard ** - if No provide value used with justification (additional documentation if necessary)
<b>CULVERT TYPE:</b>				
Driveway-Residential	CSP			
Driveway-Commercial	RCP Design 3006			
Street Approach	RCP Design 3006			
Centerline	RCP Design 3006			
PIPE COVER		2"		
PIPE BEDDING		Per MnDOT Guidelines		
ALLOWABLE HEADWATER		1' from shoulder PI		
<b>SAFETY APRONS:</b>				
Perpendicular Pipe	If $\geq 30'$ pipe end inside clear zone			
Parallel Pipe	If pipe end inside clear zone			
<b>SAFETY GRATES</b>				
Perpendicular Pipe	If $\geq 30'$ pipe inside clear zone			
Parallel Pipe	If $\geq 24'$ pipe end inside clear zone			
TRASH GUARD		If outlet, then all inlets		
CONCRETE PIPE TIES	All Culvert Joints	Last 3 joints to outlet		
<b>PONDS</b>				
<b>NO PONDING ALLOWED IN ANOKA COUNTY RIGHT OF WAY</b>				
GRADING PLAN	1' CONTOUR INTERVAL			
TYPICAL SLOPE/BENCHES	1:10 at NWL for 10'; 1:4 above and below NWL	1:6 above and below NWL		
PERMENT POOLS VOLLUME	Per watershed district requirement	Equal to runoff from 2.5" of rainfall		
100-YEAR WATER LEVEL	1' below shoulder PI			
OUTLET STRUCTURE DESIGN	Control the proposed 1- or 2-year and 100 year runoff rates to pre-project rates			
EMERGENCY SPILLWAY	Provide for events larger than 100-year			
<b>EROSION CONTROL</b>				
REQUIREMENT	Conform to NPDES Phase II			
SILT FENCE	Placed around project perimeter	All points of discharge off the project		
ROCK ENTRANCES, 1.5" WASHED ROCK	Length 100'	Length 50'		
REFERENCE	MnDOT Erosion Control Handbook, by Office of Environmental Services			
SIGNATURE			DATE	
MN P.E. REGISTRATION NUMBER			COMPANY	

**Anoka County Highway Department**

Engineering Fee Review, September 2003

Resolution #2003-114

Service	Unit Measure	Current Fee	Proposed Fee	Effective Date
<b>Commercial Site Plans, Plats Twin-home/Townhome Review</b>				
No county highway improvements required		\$0	\$150	1/1/04
RTL Construction at existing local roadway	1 direction	\$0	\$250	1/1/04
	2 directions	\$0	\$360	1/1/04
RTL & LTL construction at existing local roadway	1 direction	\$0	\$350	1/1/04
	2 directions	\$0	\$550	1/1/04
Bypass lane construction at existing local roadway	1 direction	\$0	\$400	1/1/04
RTL construction at new local roadway	1 direction	\$0	\$350	1/1/04
	2 directions	\$0	\$450	1/1/04
RTL & LTL construction at new local roadway	1 direction	\$0	\$450	1/1/04
	2 directions	\$0	\$650	1/1/04
Bypass lane construction at new local roadway	1 direction	\$0	\$500	1/1/04
<b>City/Developer Full Reconstruct of Existing County Highway; Plan &amp; Spec Review</b>				
No New Access points		\$0	\$550, up to first half mile	1/1/04
1 new access point		\$0	\$750, up to first half mile	1/1/04
2 new access points*		\$0	\$950, up to first half mile	1/1/04
* additional \$250/half mile for each new access point added over 2				
<b>City/Developer initiated Traffic Signal Plan &amp; Spec &amp; SJR Review</b>				
Revision of existing traffic signal	Warrants met	\$0	\$500	1/1/04
	Warrants not met	\$0	\$750	1/1/04
Construction of new traffic signal	Warrants met	\$0	\$800	1/1/04
	Warrants not met	\$0	\$1,000	1/1/04

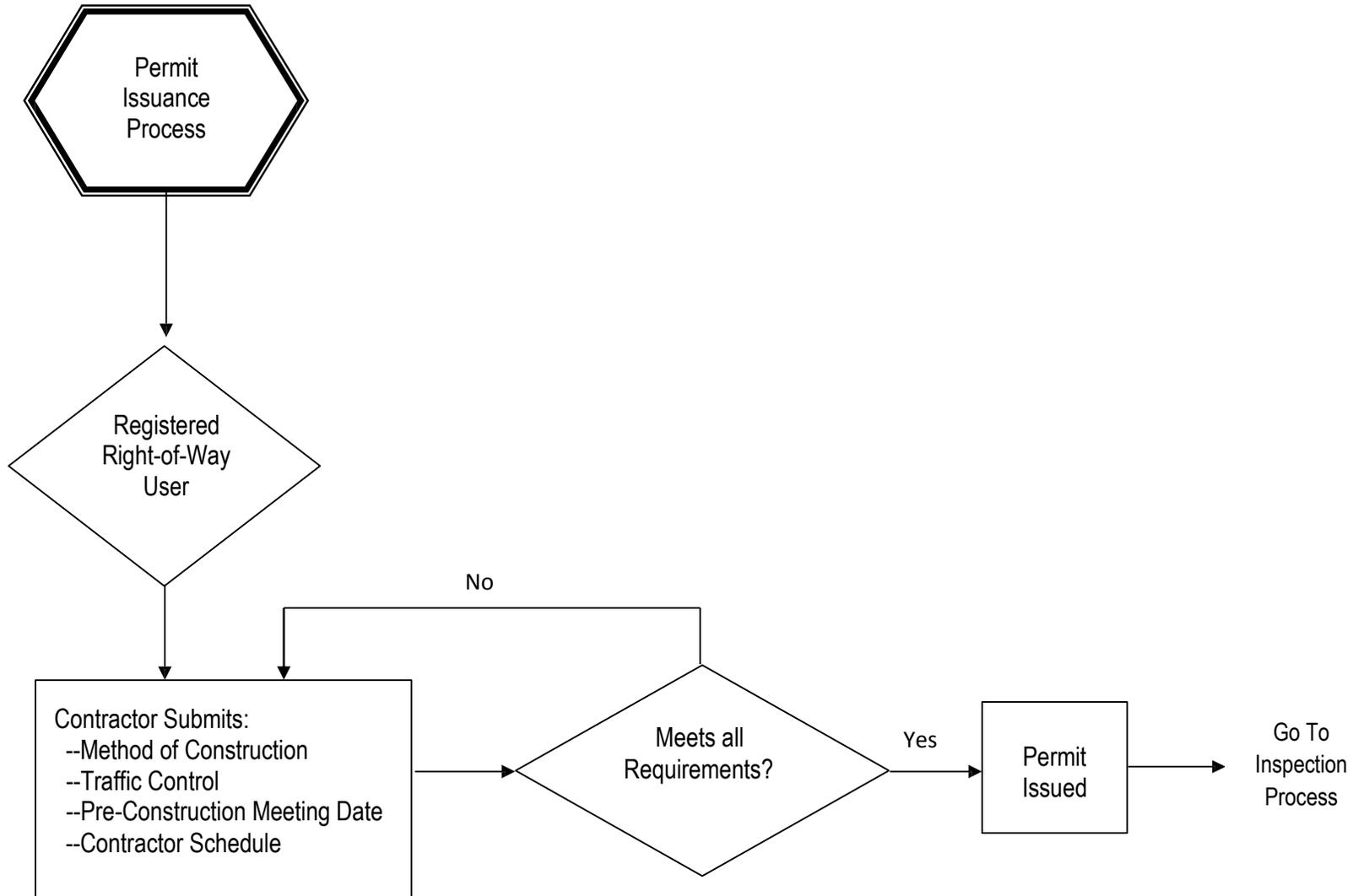
# VI. Permitting

## **Anoka County Highway Department**

Development Review Process

*August, 2014*

# Permitting Process



## Permits

### Access Permits:

Typically access permits are issued to the owner of the property onto which access is being made.

Local roadways (on public Rights of Way) do not require an access permit.

Commercial Access Permits carry a fee of \$150 each.

Residential Access Permits carry a fee of \$150 each.

### Permits for Work Within Anoka County Right of Way:

Permits for working within Anoka County Right of Way are typically issued to the contractor(s) working in the Right of Way. However, on large-scale commercial developments permits for working in the Right of Way may be issued to the developer or the developer's representative. In this case sub-contractors are listed and covered under the same permit.

One permit is required for each County Highway that work is being done on.

The fee for a permit to work within Anoka County Right of Way is \$110.

Permits for work within Anoka County Right of Way are only issued to Registered Right of Way Users. The process to become a Registered Right of Way User is as follows:

- ¾ Complete an Anoka County Right of Way User Registration form.
- ¾ Provide insurance certificate(s) showing coverage of 2 million dollars on Liability and 1 million dollars on Workers Comp.
- ¾ Provide a \$10,000 dollar Construction Performance Bond as outlined in the Anoka County Right of Way Ordinance for the Management of Utilities in the Public Right of Way.

### For all permits:

Access Permits and Work in Right of Way Permits are issued at the Anoka County Highway Department. The applicant must appear in person and make payment of the permit fees at the time of issuance. One set of plans shall be provided (preferably half size) and filed with the permit.

The completion stub on the bottom of each permit shall be filled out and returned to Anoka County Highway Department upon completion of project. Final inspection of the work site will be made by Anoka County Highway Department upon receipt of this stub.

### GENERAL REQUIREMENTS

1. No work under this application may be started until application is approved and Permit issued.
2. No changes or alterations to accesses may be made at any time without written permission from ACHD.
3. Issuance of this Permit does not supersede any special Permits or variance-s required by Local Agencies.
4. Fees, Bonds and Sureties:
  - A. A \$150.00 Filing Fee is required with each application at the time it is submitted.
  - B. A LIP Bond is generally required of licensed general contractors working for the homeowner, the amount of which will be determined by nature of the work.
5. Upon completion of access and restoration of highway right of way, detach and return stub from bottom of permit to initiate site inspection.

### SPECIAL CONDITIONS

1. Where work on traveled roadway is necessary, proper Traffic Control Devices and Procedures must be used. All traffic control devices, barricades, flashers, etc. shall be furnished by the applicant and shall be in accordance with the most recent edition of the Minnesota Manual on Uniform Traffic Control Devices and Temporary Traffic Control Zone Layouts Field Manual January 2001 of the same manual
2. Neither supplies nor excavated materials shall be placed on the bituminous or concrete surface at any time.
3. Driveway fill and ditch entrance slopes shall be in Accordance with Figure E 5-892.210 of the MnDOT State Aid Manual.
4. All culverts, ditches, shoulders and backslopes shall be restored to their original condition unless otherwise directed by ACHD. Shoulders which have been previously constructed or reconstructed with special materials shall be replaced in kind. Restoration of signs, guardrails, guard posts, etc. are the sole responsibility of the applicant and shall be restored to their original condition or to the satisfaction of the ACHD Maintenance Superintendent.
5. Any mailbox support installed for this property must meet the guidelines described in Anoka County's mailbox policy.
6. Any culverts or drainage devices deemed necessary by ACHD are to be furnished and installed by the applicant. Culverts may be purchased from and delivered by ACHD.
7. The Applicant shall be held responsible to correct any settling or erosion problems caused by Construction of this access for a period of one year following the completion of work.
8. SECTION CORNER MONUMENTS
  - A. Driveway locations shall not interfere with the location of any section, quarter, witness or R.O.W. monuments. For assistance in locations, contact the Anoka County Surveyor's Office.
  - B. The applicant shall be responsible for replacement of any existing property irons disturbed during construction.
  - C. The applicant shall notify the Anoka County Surveyor's Office 3 working days in advance of any anticipated disturbance of any Benchmarks or section, quarter, witness or R.O.W. monuments.
  - D. Any monuments disturbed during the course of construction shall be reset by the Anoka County Surveyor's Office the expense of the applicant.

Additional Requirements, Sketches or Comments:

SAMPLE

## Sample Permit Form for Utility/Commercial Access/Work Within R.O.W.

ANOKA COUNTY HIGHWAY DEPARTMENT  
 1440 BUNKER LAKE BLVD. N.W.  
 ANDOVER, MN 55304  
 PHONE (763) 862-4200

APPLICATION FOR PERMIT FOR INSTALLATION OF UTILITIES OR FOR PLACING OBSTRUCTIONS ON COUNTY HIGHWAY SYSTEM

<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <b>OFFICE USE ONLY</b>            Permit Number _____            CSAH/CR _____            License/Permit Bond Required \$ _____         </div>	
Permit Fee\$ _____	
Name of Applicant _____	Telephone _____
Address (street, city, state, zip code): _____	
Name of individual/company performing work: _____	
Nature of work: _____	Method of installation/construction: _____
Address of work site: _____	In the City/Township of: _____
Surface to be disturbed: <input type="checkbox"/> Ditch <input type="checkbox"/> Gravel <input type="checkbox"/> Bituminous <input type="checkbox"/> Concrete <input type="checkbox"/> None	Is the shoulder to be disturbed? <input type="checkbox"/> YES <input type="checkbox"/> NO
Number and size of excavations: _____	Will Traffic be obstructed in any way? <input type="checkbox"/> YES <input type="checkbox"/> NO
Size and kind of pipe/cable: _____	Depth from surface: _____
Work to start on or after: _____	Work completed by: _____
Restrictions: _____	

### GENERAL INFORMATION

One permit must be approved for each County Road on which work will be performed prior to any work within the right-of-way by any utility/contractor. Emergency conditions which threaten the safety of the public and require immediate repair are exceptions to this rule. The utility/contractor, under these conditions, is permitted to begin and/or complete the necessary repairs. A written permit is to be completed at the earliest possible date.

A license-permit bond is generally required of the contractor, the amount of which will be determined by the nature of the utility work.

A sketch or drawing shall accompany each permit application which will show the location of the proposed utility with reference to the county highway center line and right-of-way line. A complete set of plans is required for all sewer/water projects.

It shall be the responsibility of the applicant to determine which of the special conditions (listed on the reverse side of this form) apply to each permit.

The Anoka County Highway Department (ACHD) reserves the right to revoke any utility permit and halt work if, upon inspection of any job site, the special conditions listed on the reverse side of this form are not met and/or a hazard exists for the applicant or public safety is threatened.

The applicant shall notify ACHD immediately upon completion of project so that the ACHD can inspect the site to determine whether or not restoration has been satisfactorily completed.

I, We, the undersigned, herewith accept the terms and conditions of the regulations as laid down by the County of Anoka and agree to fully comply therewith to the satisfaction of the ACHD. The County of Anoka, its officials and employees shall be held harmless, by the permittee, from any demands, claims or suits arising out of the granting of the permit.

Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Applicant's Signature \_\_\_\_\_

### AUTHORIZATION OF PERMIT

In consideration of the applicant's agreement to comply in all respects with the regulations of the ACHD covering such operations, permission is hereby granted for the work to be done as described in the above application. Said work to be done in accordance with the general conditions listed above and the special conditions required as hereby stated: (SEE REVERSE SIDE OF THIS FORM FOR SPECIAL CONDITIONS).

It is expressly understood that this permit is conditioned upon replacement or restoration of the County Highway and its right of way to their original or to a satisfactory condition. It is further understood that this permit is issued subject to the approval of local city or township authorities having joint supervision over said street or highway.

ANOKA COUNTY HIGHWAY DEPARTMENT

Approved by \_\_\_\_\_ Issued by' \_\_\_\_\_ Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Distribution: White-Applicant    Yellow-Highway Department Permit Office

DETACH AND RETURN THIS STUB

Send to\* Permit Section

Permit Number \_\_\_\_\_

Anoka County Highway Department

Date Completed \_\_\_\_ / \_\_\_\_ / \_\_\_\_

1440 Bunker Lake Blvd. NW

Name of Applicant \_\_\_\_\_

Andover, MN 55304

## SPECIAL CONDITIONS

### TRAFFIC CONTROL

#### Detours

- A. Detailed detour layouts shall be submitted to the Traffic Engineer for approval
- B. No detours shall be permitted without prior approval of the Anoka County Traffic Engineer.
- C. One week's notice must be given prior to the installation of any detour.
- D. It shall be the responsibility of the applicant to notify Anoka County Central Communications. Local government bodies, and any affected bus companies 48 hours prior to any road closures/detours.
- E. Immediately upon completion of work and/or detours, all posts, barricades, and signs shall be removed from the right of way.

#### Traffic Control Devices

- A. All traffic control devices, barricades, flashers, etc. shall be furnished by the applicant and shall be in accordance with the most recent edition of the Minnesota Manual on Uniform Traffic Control Devices and Temporary Traffic Control Zone Layouts-Field Manual dated January 2001 of the same man1.1a1.

### CONSTRUCTION REQUIREMENTS

- I. Open cutting of bituminous or concrete surfaced roads will be allowed only at the discretion of the County Engineer.
- II. Neither supplies nor excavated materials shall be placed on the bituminous or concrete surface at any time.
- III. No trenches will be allowed to remain open overnight.
- IV. Materials removed from the trench shall be used as backfill insofar as they are suitable. All backfill material shall conform to MnDOT specifications for compaction. The use of heavy equipment on top of trench slapping with backhoe bucket and/or backcasting to achieve compaction is prohibited. Any additional material required to back fill to the original grade shall be furnished by the applicant at no expense to ACHD. All the base and surface courses damaged during construction operations shall be restored to a condition equal to or better than before operations began. The applicant shall be responsible for and restore any settlement.
- v. All culverts, ditches, shoulders and backslopes shall be restored to their original condition unless otherwise directed by the ACHD. Shoulders which have been previously constructed or reconstructed with special materials shall be replaced in kind. Restoration of signs, guardrails, guardposts, etc. are the sole responsibility of the applicant and shall be restored to their original condition
- VI. All roadway maintenance required within the limits of the utility project that is related to the applicant's activities shall be the sole responsibility of the applicant for 1 year after completion of the project. Upon completion of the restoration work, the applicant shall request a final inspection by the ACHD. The ACHD's approved completion date shall be the starting date of the applicant's 1-year responsibility.

### HORIZONTAL BORING AND JACKING

- I. All hard surface roadways shall be jacked or bored.
- II. All crossings of Anoka County maintained roadbeds shall be made by boring inside a casing or carrier pipe, or by jacking unless otherwise directed by the Anoka County Engineer. The auger shall lag the casing or carrier pipe by at least 6 inches whenever possible and never lead the carrier pipe by more than 1 inch.
- III. The use of pneumatic devices to facilitate the roadbed crossings will be allowed in most cases with prior approval. In the event Approval is not granted and applicant uses a pneumatic device to cross a roadbed and encounters an obstruction and/or unstable subbase material which makes forward or reverse motion of pneumatic device impossible. Said pneumatic device then becomes part of the roadway subbase and permission to excavate to retrieve device will not be granted
- IV. If a pneumatic device is used for the work permitted herein, the installation must be kept to a minimum of 4 feet below the surface of the roadway if the pneumatic device is less than 2 inches in diameter, and a minimum of 5 feet below the surface of the roadway if the pneumatic device is 2 inches in diameter or larger.

### BITUMINOUS RESTORATION

- I. The locations and dimensions of all openings to be made in the bituminous surface shall be approved by the ACHD prior to any cutting or any surface opening operations.
- II. All openings in bituminous surfaces shall be cut in a straight line with sides smooth and vertical. No ragged edges will be permitted. Cutting shall be done with a concrete saw.
- III. All necessary dust control operations shall be carried out by the applicant at no expense to Anoka County.
- IV. The minimum requirement for subgrade replacement shall be the upper 12 inches of material and shall meet MnDOT specifications for Class 5 placed in 6-inch layers compacted to 100 percent of optimum density.
- V. All manhole casings, gate valves and other utility structures shall be set one-quarter inch below the top of the finished surface.
- VI. Bituminous tack coat materials and application thereof shall conform to MnDOT specification 2357
- VII. All bituminous surfacing shall be replaced as soon as practical after the base construction. All bituminous surfacing shall be machine laid. Any exceptions must be approved by the ACHD. Bituminous surfacing shall be replaced to original pavement depth or to a minimum of six (6) inches of bituminous mixture (2341), whichever is greater. Bituminous mixtures must be placed in lifts not exceeding three (3) inches in thickness for base and binder courses and not exceeding two (2) inches for the wear course.
- VIII. All surface restoration regardless of size shall conform to existing grades.
- IX. Any unnecessary or negligent damage to bituminous surface in conjunction with the installation and/or repair of a utility shall be cut out and replaced in kind as directed by ACHD.

### CONCRETE RESTORATION

- I. Curb and gutter, sidewalks and driveways shall be restored in accordance with MnDOT specifications 2531 and 2521

### UTILITY LINES

- I. There shall be only a single pole line on the county right-of-way on either side of the center line thereof.
- II. Exact locations of longitudinal installations on county highways shall be located as directed by ACHD

### SECTION CORNER MONUMENTS

- I. Utility locations shall not interfere with the location of any section, quarter, witness or R.O.W. monuments. For assistance in locations. Contact the Anoka County Surveyor's Office.
- II. The applicant shall be responsible for replacement of any existing property irons disturbed during construction.
- III. The applicant shall notify the Anoka County Surveyor's Office 3 working days in advance of any anticipated disturbance of any section, quarter, witness or R.O.W. monuments.
- IV. Any monument disturbed during the course of construction shall be reset by the Anoka County Surveyor's Office at the expense of the applicant

### ATTACHING TO BRIDGES/STRUCTURES

- I. No utility is permitted to be hung from or otherwise attached to any bridge or structure without having detailed plans approved by the Anoka County Engineer. These plans are to show approaches to the structure, method of installation, type and dimension of housing for the utility.

### LIMITATION

- I. Applicant understands and agrees that if the ACHD shall make any improvements and/or changes on all or any part of County right-of-way, then in every case the Applicant shall, after notice from the County Engineer or his authorized agent, proceed to alter, change, vacate, and/or remove from the County right-of-way said utility and/or obstruction necessary to conform with said change without cost whatsoever to the County"

# ANOKA COUNTY HIGHWAY DEPARTMENT PERMIT FEE SCHEDULE

*Adopted by Anoka County Board July 13, 2010  
(\*Adopted November 9, 2010)*

<b>Utility Permits:</b>	<b>Public</b>	<b>\$150.00</b> (per County Rd)
	<b>Private</b>	<b>\$150.00</b> (per County Rd)

*Per Anoka County Ordinance #2000-2, ROW User Registration is required before issuance of any permits. Registration includes providing a Certificate of Insurance naming Anoka County Highway Dept. as certificate holder and minimum liability coverage shall be \$2 million and minimum Worker's Compensation coverage shall be \$1 million. Additionally, each applicant shall provide a \$10,000 security, which most Contractors obtain a License Permit Bond.*

<b>Houses:</b>	<b>\$60.00</b>
<i>No permits issued over 16' wide during Spring Weight Restrictions.</i>	

<b>Small Buildings:</b>	<b>Single</b>	<b>\$60.00</b>
	<b>Seasonal</b>	<b>\$50.00</b>
	<i>(maximum Width 14' 6")</i>	

*Move of a small building by an unlicensed House Mover will be allowed with the following requirements:*

- Proof of liability insurance on towing vehicle (no \$ amount required)*
- \$100.00 refundable deposit made out to Anoka County*
- \$50.00 permit fee*
- Submit a copy of a MnDOT permit if applicable*
- Maximum size allowed is 16' wide, 20' long, 13' 6" high*

<b>Oversize Load:</b>	<b>Single Trip</b>	<b>\$5.00</b>
	<b>Seasonal</b>	<b>\$50.00*</b>

*No overweight permits issued. All loads must meet axle weight limits. No permits issued over 16' wide during Spring Weight Restrictions.*

<b>Residential Driveway</b>	<b>\$175.00</b>
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<b>Commercial Driveway/Street</b>	<b>\$250.00</b>
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<b>Special Event</b> <i>(Requires County Board Approval)</i>	<b>\$50.00*</b>
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**ANOKA COUNTY HIGHWAY DEPARTMENT**  
**1440 BUNKER LAKE Blvd., Andover, MN 55304**  
 Phone (763) 862-4200 Fax (763) 862-4201

**RIGHT OF WAY USERS REGISTRATION FORM**

This application must be filled out in ink and signed by applicant

Agency Name:	Gopher State One Call Registration Number:		
Address:			
City:	State:	Zip:	
Office Phone:	Office Fax:		
<b>Local Representatives</b>			
Name:	Phone:	Cellular:	Fax:
Insurance Carrier:			
Policy Number:	Limits of Coverage: (Attach Certificate of Insurance or Self Insurance)		
Public Utilities Commission Certificate? <input type="checkbox"/> Yes <input type="checkbox"/> No (If yes, attach Certificate of Authority)			
<p>The applicant hereby certifies that the above information is correct and agrees to notify Anoka County within fifteen days of any changes. The applicant certifies that Anoka County, its elected and appointed officials, officers, employees, and agents are named as additionally insured parties in all applicable insurance policies. The applicant agrees to comply with the Anoka County Right of Way Ordinance and with all applicable federal, state, county, and municipal laws, statues, and ordinances that may apply.</p>			
Name: _____ Name of Representative			
Title: _____			
Signature: _____ Date: _____			

Registration Must Be Renewed By December 1<sup>st</sup> of Each Year

Revised 3-13-01

## ORDINANCE #2000-2

Adopted by County Board Action on November 28, 2000

COUNTY OF ANOKA  
Anoka County, Minnesota

### ANOKA COUNTY RIGHT OF WAY ORDINANCE FOR THE MANAGEMENT OF UTILITIES IN THE PUBLIC RIGHT OF WAY OF ROADS UNDER THE COUNTY'S JURISDICTION

An ordinance to enact a new Chapter of the Anoka County Code of Ordinances to administer and regulate utilities in the public right of way in the public interest, and to provide for the issuance and regulation of Right of Way Permits.

The Anoka County Board of Commissioners ordains:

#### Chapter 1 Right of Way Management

##### Sec. 1.01. Findings, Purpose, and Intent.

To provide for health, safety and welfare of its citizens, and to ensure the integrity of its roads and streets and the appropriate use of the right of ways, the County strives to keep its right of way in a state of good repair and free from unnecessary encumbrances.

Accordingly, the County hereby enacts this new chapter of this code relating to right of way permits and administration. This chapter imposes regulation on the placement and maintenance of facilities and equipment currently within its right of way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies. Under this chapter, persons excavating and obstructing the right of way will bear financial responsibility for their work. Finally, this chapter provides for recovery of out-of-pocket and projected costs from persons using the public right of way.

This chapter shall be interpreted consistently with 1997 Session Laws, Chapter 123, substantially codified in Minn. Stat. §§ 237.16, 237.162, 237.163, 237.79, 237.81, and 238.086 (the "Act") and the other laws governing applicable rights of the County and users of the right of way. This chapter shall also be interpreted consistent with Minn. Rules 7819.0050 to 7819.9950 where possible. To the extent any provision of this chapter cannot be interpreted consistently with the Minn. Rules, that interpretation most consistent with the Act and other applicable statutory and case law is intended. This chapter shall not be interpreted to limit the regulatory and police powers of the County to adopt and enforce general ordinances necessary to protect the health, safety, and welfare of the public.

## Sec. 1.02. Election to Manage the Public Right of Way

Pursuant to the authority granted to the County under state and federal statutory, administrative and common law, the County hereby elects pursuant Minn. Stat. 237.163 subd.2(b), to manage right of way under its jurisdiction.

“Manage the Right of Way”, means the authority of the County to do any of all of the following:

- require registration;
- require construction performance bonds and insurance coverage;
- establish installation and construction standards;
- establish and define location and relocation requirements for equipment and facilities;
- establish coordination and timing requirements;
- require right of way users to submit henceforth required by the County project data reasonably necessary to allow the County to develop a right of way mapping system including GIS system information;
- require right of way users to submit, upon request of the County, existing data on the location of user's facilities occupying the public right of way within the County. The data may be submitted in the form maintained by the user in a reasonable time after receipt of the request based on the amount of data requested;
- establish right of way permitting requirements for excavation and obstruction;
- establish removal requirements for abandoned equipment or facilities, if required in conjunction with other right of way repair, excavation or construction; and
- impose reasonable penalties for unreasonable delays in construction.

## Sec. 1.03. Definitions.

The following definitions apply in this Chapter of this Code. References hereafter to "sections" are unless otherwise specified references to sections in this Chapter. Defined terms remain defined terms whether or not capitalized.

“Abandoned Facility” means a facility no longer in service or physically disconnected from a portion of the operating facility, or from any other facility, that is in use or still carries service. A facility is not abandoned unless declared so by the right of way user.

"Applicant" means any Person requesting permission to Excavate or Obstruct a Right of Way.

“Commission” means the State Public Utilities Commission.

“Congested Right of Way” means a crowded condition in the subsurface of the public right of way that occurs when the maximum lateral spacing between existing underground facilities does not allow for construction of new underground facilities without using hand digging to expose the existing lateral facilities in conformance with Minn. Stat. § 216D.04, subd. 3, over a continuous length in excess of 500 feet.

"Construction Performance Bond" means any of the following forms of security provided at permittee's option:

- (a) Individual project bond;
- (b) Cash deposit;
- (c) Security of a form listed or approved under Minn. Stat. § 15.73, sub3;
- (d) Letter of Credit, in form acceptable to the County;
- (e) Self-insurance in form acceptable to the County;
- (f) Blanket bond for projects within the county or construction bond for a specified time and in a form acceptable to the County.

"County" means the County of Anoka, Minnesota. For purposes of section 1.28 Indemnification and Liability, County means its elected and appointed officials, officers, employees and agents.

"Degradation" means a decrease in the useful life of the Right of Way caused by excavation in or disturbance of the Right of Way, resulting in the need to reconstruct such Right of Way earlier than would be required if the excavation did not occur.

"Degradation Cost" subject to Minn. Rules 7819.1100 means the cost to achieve a level of restoration as determined by the County at the time the permit is issued, not to exceed the maximum Restoration shown in plates 1 to 13, set forth in Minn. Rules parts 7819.9900 to 7819.9950.

"Degradation Fee" means the estimated fee established at the time of permitting by the County to recover costs associated with the decrease in the useful life of the Right of Way caused by the excavation, and which equals the Degradation Costs.

"Delay Penalty" is the penalty imposed as a result of unreasonable delays in Right of Way excavation, obstruction, patching, or restoration as established by permit.

"Department" means the Anoka County Highway Department.

"Department Inspector" means any Person authorized by the director to carry out inspections related to the provisions of this Chapter.

"Director" means the County Engineer, or her or his designee.

"Emergency" means a condition that (1) poses danger to life or health or of a significant loss of property; or (2) requires immediate repair or replacement of Facilities in order to restore Service to a customer.

"Equipment" means any tangible asset used to install, repair, or maintain facilities in any Right of Way

"Excavate" means to dig into or in any way remove or physically disturb or penetrate any part of a public Right of Way.

"Facility or Facilities" means any tangible asset in the Right of Way required to provide Utility Service.

"Five-year project plan" shows projects adopted by the County and proposed for construction within the next five years.

"High Density Corridor" means a designated portion of the public right of way within which telecommunications right of way users having multiple and competing facilities may be required to build and install facilities in a common conduit system or other common structure.

"Hole" means an excavation in the pavement, with the excavation having a length less than the width of the pavement.

"Local Representative" means a local Person or Persons, or designee of such Person or Persons, authorized by a Registrant to accept legal notice or service and to accept communications and to make decisions for that Registrant regarding all matters within the scope of this Chapter.

"Management Costs" means the actual costs the County incurs in managing its public Rights of Way, including such costs, if incurred, as those associated with registering Applicants; issuing, processing, and verifying Right of Way Permit applications; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user Equipment and Facilities during public Right of Way work; determining the adequacy of Right of Way restoration; restoring work inadequately performed after providing notice and the opportunity to correct the work; and revoking Right of Way Permits. Management costs do not include payment by a Telecommunications Right of Way User for the use of the Right of Way, the fees and cost of litigation relating to the interpretation of Minn. Session Laws 1997, Chapter 123; Minn. Stat. §§ 237.162 or 237.163 or any ordinance enacted under those sections, or the County fees and costs related to appeals taken pursuant to Section 130 of this Chapter.

"Obstruct" means to place any tangible object in a public Right of Way so as to hinder free and open passage over that or any part of the Right of Way.

"Patch or Patching" means a method of pavement replacement that is temporary in nature. A Patch consists of (1) the compaction of the subbase and aggregate base, and (2) the replacement, in kind, of the existing pavement for a minimum of two feet beyond the edges of the excavation in all directions. A Patch is considered full Restoration only when the pavement is included in a project programmed by the County, or as approved by the Director.

"Pavement" means any type of improved surface that is within the public right of way and that is paved or otherwise constructed with bituminous, concrete, aggregate, or gravel.

"Permit" has the meaning given "right of way permit" in Minn. Stat. § 237.162.

"Permittee" means any Person to whom a Permit For Installation Of Utilities or For Placing Obstructions On County Highway System has been granted by the County under this Chapter.

"Permit For The Installation Of Utilities or For Placing Obstructions On County Highway System" means the permit which, pursuant to this Chapter, must be obtained before a Person may excavate in or obstruct any part of a Right of Way.

"Permit Fee" means money paid to the County by an Applicant to cover the costs as provided in Section 1.12.

"Person" means an individual or entity subject to the laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political.

"Probation" means the status of a person that has not complied with the conditions of this chapter.

"Probationary Period" means one year from the date that a Person has been notified in writing that they have been put on Probation.

"Public Right of Way" means the area on, below, or above a public roadway, highway, street, cartway, bicycle lane and public sidewalk in which the County has an interest, including other dedicated rights of way for travel purposes and utility easements of the County. A public Right of Way does not include the airwaves above a Right of Way with regard to cellular or other non-wire telecommunications or broadcast service. The lands described by an easement, deed, dedication, title, law or occupation of a road, highway, street, cartway, bicycle lane, or sidewalk are included as right of way.

"Registrant" means any person who (1) has or seeks to have its equipment or facilities located in any right of way, or (2) in any way occupies or uses, or seeks to occupy or use, the right of way or place its facilities or equipment in the right of way.

"Restoration Cost" means the amount of money paid to the County by a permittee to achieve the level of restoration according to plates 1 to 13 of the Minnesota Public Utilities Commission rules.

"Restore or Restoration" means the process by which an excavated public Right of Way and surrounding area including pavement foundation is returned to the same condition (and life expectancy) that existed before excavation.

"Right of Way Permit" means the Anoka County Highway Department Permit For Installation of Utilities or for Placing Obstructions on the County Highway System, required by this Chapter.

"Right of Way User" means (1) a telecommunications right of way user as defined by Minn. Stat. § 237.162, subd. 4; or (2) a person owning or controlling a facility in the right of way that is used or intended to be used for providing utility service, and who has a right under law, franchise, or ordinance to use the public right of way.

"Service" or "Utility Service" includes (1) those services provided by a public

utility as defined in Minn. Stat. § 216B.02, subds. 4 and 6; (2) services of a telecommunications right of way user, including transporting of voice or data information; (3) services of a cable communications system as defined in Minn. Stat. Chapter. 238; (4) natural gas or electric energy or telecommunications services provided by the city; (5) services provided by a cooperative electric association organized under Minn. Stat., Chapter 308A; and (6) water, sewer, steam, cooling or heating services.

"Supplementary Application" means an application made to Excavate or Obstruct more of the Right of Way than allowed in, or to extend, a permit that had already been issued.

"Telecommunication Rights of Way User" means a Person owning or controlling a Facility in the Right of Way, or seeking to own or control a Facility in the Right of Way, that is used or is intended to be used for transporting telecommunication or other voice or data information. For purposes of this Chapter, a cable communication system defined and regulated under Minn. Stat. Chap. 238, and telecommunication activities related to providing natural gas or electric energy services whether provided by a public utility as defined in Minn. Stat. § 216B.02, a municipality, a municipal gas or power agency organized under Minn. Stat. Chaps. 453 and 453A, or a cooperative electric association organized under Minn. Stat. Chap. 308A, are not Telecommunications Right of Way Users for purposes of this Chapter.

"Temporary Surface" means the compaction of subbase and aggregate base and replacement, in kind, of existing pavement only to the edges of the excavation. It is temporary in nature except when the replacement is of pavement included in the current year or the year following the current year in the County's Five Year Project Plan.

"Trench" means an excavation in the pavement, with the excavation having a length equal to or greater than the width of the pavement.

"Unusable or unused Equipment and Facilities" means equipment and Facilities in the Right of Way which have remained unused for one year or for facilities that are not registered or located by Gopher One Call; or for which the Registrant is unable to provide proof that it has either a plan to begin using it within the next twelve (12) months or a potential purchaser or user of the equipment or facilities.

#### Sec. 1.04. Administration.

The Director is the principal County official responsible for the administration of the Rights of Way, Right of Way Permits, and the ordinances related thereto. The Director may delegate any or all of the duties hereunder.

#### Sec. 1.05. Utility Coordination Committee

The County may create an advisory utility coordination committee. Participation on the committee is voluntary. It will be composed of any registrants that wish to assist the County in obtaining information and by making recommendations regarding use of the right of way, and to improve the process of performing construction work therein. The Director may determine the size of such committee and shall appoint members from a list of registrants that have expressed a desire to assist the County.

Sec. 1.06. Registration and Right of Way Occupancy.

Subd. 1. Registration. Each Person who occupies, uses, or seeks to occupy or use, the Right of Way or place any Equipment or Facilities in the Right of Way, including Persons with installation and maintenance responsibilities by lease, sublease or assignment, must register with the County. Registration will consist of providing application information and paying a registration fee. Registration fees shall be set by the County Board as prescribed by law.

Subd. 2. Registration Prior to Work. No Person may construct, install, repair, remove, relocate, or perform any other work on, or use any Facilities or any part thereof in any Right of Way without first being registered with the County.

Subd. 3. Exceptions. Resident owned sewer and water service lines to a city main and resident owned drain tile lines shall not be required to register, unless requested by the County, but shall be required to obtain permits for excavation and obstruction.

However, nothing herein relieves a Person from complying with the provisions of the Minn. Stat. Chap. 216D, "Gopher One call" Law.

Sec. 1.07. Registration Information.

Subd. 1. Information Required. The information provided to the Director at the time of registration shall include, and be on the form approved by the County or this ordinance, but not be limited to:

- (a) Each Registrant's name, Gopher One-Call registration certificate number, address and e-mail address if applicable, and telephone and facsimile numbers.
- (b) The name, address and e-mail address, if applicable, and telephone and facsimile numbers of a Local Representative. The Local Representative or designee shall be available at all times. Current information regarding how to contact the Local Representative in an Emergency shall be provided at the time of registration.
- (c) A certificate of insurance or self-insurance:
  - (1) Verifying that an insurance policy has been issued to the Registrant by an insurance company licensed to do business in the State of Minnesota, or a form of self-insurance acceptable to the Director;
  - (2) Verifying that the Registrant is insured against claims for Personal injury, including death, as well as claims for property damage arising out of the (i) use and occupancy of the Right of Way by the Registrant, its officers, agents, employees and permittees, and(ii) placement and use of Facilities in the Right of Way by

the Registrant, its officers, agents, employees and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground Facilities and collapse of property;

- (3) Naming the County as an additional insured as to whom he coverage required herein are in force and applicable and for whom defense will be provided as to all such coverage;
  - (4) Requiring that the Director be notified thirty (30) days in advance of cancellation of the policy or material modification of a coverage term;
  - (5) Indicating comprehensive liability coverage, automobile liability coverage, workers compensation and umbrella coverage established by the Director in amounts sufficient to protect the County and the public and to carry out the purposes and policies of this Chapter.
- (d) The County may require a copy of the actual insurance policies.
- (e) If the Person is a corporation, a copy of the certificate required to be filed under Minn. Stat. § 300.06 as recorded and certified to by the Secretary of State.
- (f) A copy of the Person's order granting a certificate of authority from the Minnesota Public Utilities Commission (PUC) or other applicable state or federal agency, where the Person is lawfully required to have such certificate from said Commission or other state or federal agency.

Subd. 2. Notice of Changes. The Registrant shall keep all of the information listed above current at all times by providing to the Director information as to changes within fifteen (15) days following the date on which the Registrant has knowledge of any change.

#### Sec. 1.08. Reporting Obligations.

Subd. 1. Operations. Each Registrant that provides utility service shall, at the time of registration and by December 1 of each year, file a construction and major maintenance plan for underground Facilities with the Director. Such plan shall be submitted using a format designated by the Director and shall contain the information determined by the Director to be necessary to facilitate the coordination and reduction in the frequency of excavations and Obstructions of Rights of Way. The county shall maintain in the file a copy of the county's construction plan for construction projects. The utility facility plans shall be kept up-to-date by the Registrant. The plans shall be on file and available for public inspection.

The plan shall include, but not be limited to, the following information:

- (a) The locations and the estimated beginning and ending dates of all Projects to be commenced during the next calendar year (in this section, a "Next-Year Project");
- (b) How the registrant will accommodate the county plan;
- (c) To the extent known, the tentative locations and estimated beginning and ending dates for all Projects contemplated for the five years following the next calendar year (in this section, a "Five-Year Project").

It is the registrant's responsibility to keep informed on available plans.

The term "project" in this section shall include both Next-year Projects and Five-year Projects but does not include individual service line hookups and minor maintenance unless they are part of an area wide program.

Subd. 2. Additional Next-year Projects. Notwithstanding the foregoing, the Director will not deny an application for a Right of Way Permit for failure to include a project in a plan submitted to the County if the Registrant has used commercially reasonable efforts to anticipate and plan for the project.

#### Sec. 1.09. Permit Requirement.

Subd. 1. Permit Required. Except as otherwise provided in this Code, no Person may Obstruct, or Excavate any Right of Way without first registering and having obtained the appropriate Right of Way Permit from the County to do so.

Subd. 2. Permit Extensions. No Person may Excavate or Obstruct the Right of Way beyond the date or dates specified in the permit unless such Person (i) makes a Supplementary Application for another Right of Way Permit before the expiration of the initial permit, and (ii) a new permit or permit extension is granted.

Subd. 3. Delay Penalty. In accordance with Minn. Rule 7819.1000 subp. 3 notwithstanding subd. 2 of this Section, the County shall establish and impose a Delay Penalty for unreasonable delays in Right of Way excavation, Obstruction, Patching, or Restoration. The Delay Penalty shall be established from time to time by County Board action and shall include any delays or damages charged by the county's construction contractor and may include liquidated damages consistent with the contract.

Subd. 4. Permit Display. Permits issued under this Chapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the County.

#### Sec. 1.10. Permit Applications.

### Sec. 1.10. Permit Applications.

Application for a permit is made to the Director. Right of Way Permit applications shall contain, and will be considered complete only upon compliance with the requirements of, the following provisions:

- (a) Registration with the County pursuant to this Chapter;
- (b) Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed Facilities.
- (c) Payment of money due the County for:
  - (1) permit fees, estimated Restoration Costs and other Management Costs;
  - (2) prior Obstructions or Excavations;
  - (3) any undisputed loss, damage, or expense suffered by the County because of Applicant's prior excavations or Obstructions of the right of way or any Emergency actions taken by the County;
  - (4) franchise fees or other charges, if applicable.
- (d) Payment of disputed amounts due the County by posting security or depositing in an escrow account an amount equal to at least 110% of the amount owing.
- (e) Posting an additional or larger construction performance bond for additional facilities when applicant requests an excavation or obstruction permit to install additional facilities and the County deems the existing construction performance bond inadequate under applicable standards.

### Sec. 1.11. Issuance of Permit; Conditions.

Subd. 1. Permit Issuance. If the Applicant has satisfied the requirements of this Chapter, the County shall issue a permit.

Subd. 2. Conditions. The Director may impose reasonable conditions upon the issuance of the permit and the performance of the Applicant thereunder to protect the health, safety and welfare or, when necessary, to protect the Right of Way and its current and future use.

### Sec. 1.12. Permit Fees.

Subd. 1. Permit Fee. The county shall establish a Permit For Installation Of Utilities Or For Placing Obstructions On County Highway System fee in an amount sufficient to recover the following costs. Permit fees shall be established by the County Board and may be amended at any public meeting.

- (a) the County Management Costs;
- (b) Degradation Costs, if applicable.

Subd. 2. Payment of Permit Fees. No Right of Way Permit shall be issued without payment of the Permit Fee unless the County allows Applicants to pay such fees within thirty (30) days of billing.

Subd. 3. Non-refundable. Permit fees that were paid for a permit that the Director has revoked for a breach as stated in Section 1.22 are not refundable.

Subd. 4. Application to Franchises. Unless otherwise agreed to in a franchise, management costs may be charged separately from and in addition to the franchise fees imposed on a right of way user in the franchise.

#### Sec. 1.13. Right of Way Patching and Restoration.

Subd. 1. Timing. The work to be done under the Excavation Permit, and the Patching and Restoration of the Right of Way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of extraordinary circumstances beyond the control of the permittee or when work was prohibited as unseasonable or unreasonable under Section 1.15.

Subd. 2. Temporary Surfacing, Patch and Restoration. Permittee shall Patch its own work.

- (a) County Restoration. If the County restores any part of the Right of Way, permittee shall pay the costs thereof within thirty (30) days of billing. If, the County restores only the surface of the right of way and during the thirty-six (36) months following such Restoration, the pavement settles, the permittee shall pay to the County, within thirty (30) days of billing, all costs related to restoring the Right of Way or associated with having to correct the defective work, which may include removal and replacement of any or all work done by the permittee. These costs shall include administrative, overhead mobilization, material, labor, and equipment.
- (b) Permittee Restoration. If the permittee restores the Right of Way itself, it shall at the time of application for a Right of Way Permit requiring excavation within Anoka County Right of Way post a Construction Performance Bond in an amount determined by the Director to be sufficient to cover the cost of Restoration. If, within thirty-six (36) months after completion of the Restoration of the Right of Way, the Director determines that the Right of Way has been properly Restored, the surety on the Construction Performance Bond shall be released.

- (c) Degradation Fee and Patching in Lieu of Restoration to PUC Standards. In lieu of right of way restoration, a right of way user may elect to pay a degradation fee. However, the right of way user shall remain responsible for patching and the degradation fee shall not include the cost to accomplish these responsibilities.

Subd. 3. Standards. The permittee shall perform Temporary Surfacing Patching and Restoration including backfill, compaction, and landscaping according to the standards and with the materials specified by the Director. The Director shall have the authority to prescribe the manner and extent of the Restoration, and may do so in written procedures of general application or on a case-by-case basis. The Director in exercising this authority shall comply with PUC standards for Right of Way Restoration (see PUC Rules 7819.990 to 7819.9950) and require conformance to Minnesota Department of Transportation (MnDOT) standard specifications and local government specifications and drawing and shall further be guided by the following considerations:

- (a) The number, size, depth and duration of the excavations, disruptions or damage to the Right of Way;
- (b) The traffic volume carried by the Right of Way; the character of the neighborhood surrounding the Right of Way;
- (c) The pre-excavation condition of the Right of Way; the remaining life-expectancy of the Right of Way affected by the excavation;
- (d) Whether the relative cost of the method of restoration to the permittee is in reasonable balance with the prevention of an accelerated depreciation of the right of way that would otherwise result from the excavation, disturbance or damage to the Right of Way; and
- (e) The likelihood that the particular method of restoration would be effective in slowing the depreciation of the Right of Way that would otherwise take place.

Subd. 4. Guarantees. The permittee guarantees its work and shall maintain it for thirty-six (36) months following its completion. During this 36-month period it shall, upon notification from the Director, correct all restoration work to the extent necessary, using the method required by the Director. Said work shall be completed within five (5) calendar days of the receipt of the notice from the Director, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable under Section 1.16.

Subd. 4(a). Duty to Correct Defects. The permittee shall correct defects in patching, or restoration performed by permittee or its agents. Permittee, upon notification from the County, shall correct all restoration work to the extent necessary, using the method required by the County. Said work shall be completed within five (5) calendar days of the receipt of the notice from the County, not including days during which work cannot be done because of circumstances constituting force majeure or

days when work is prohibited as unseasonal or unreasonable under Section 1.16.

Subd. 5. Failure to Restore. If the permittee fails to restore the Right of Way in the manner and to the condition required by the Director, or fails to satisfactorily and timely complete all Restoration required by the Director, the Director at its option may do such work. In that event the permittee shall pay to the County, within thirty (30) days of billing, the cost of Restoring the Right of Way. If permittee fails to pay as required, the County may exercise its rights under the Construction Performance Bond.

#### Sec. 1.14. Joint Applications.

Subd. 1. Joint Application. Registrants may jointly apply for a Permit For Installation Of Utilities Or For Placing Obstructions On County Highway System at the same place and time.

Subd. 2. Shared Fees. Registrants who apply for permits for the same Obstruction or Excavation, which the Director does not perform, may share in the payment of the Permit Fee. Registrants must agree among themselves as to the portion each will pay and indicate the same on their applications.

Subd. 3. With County Construction Projects. Registrants who join in a scheduled Obstruction or excavation coordinated with a County construction project by the Director, whether or not it is a joint application by two or more Registrants or a single application, are not required to pay the Obstruction and Degradation portions of the permit fee, but a permit is still required.

#### Sec. 1.15. Supplementary Applications.

Subd. 1. Limitation on Area. A Right of Way Permit is valid only for the area of the Right of Way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be Obstructed or Excavated must before working in that greater area (i) make application for a permit extension and pay any additional fees required thereby, and (ii) be granted a new permit or permit extension.

Subd. 2. Limitation on dates. A Right of Way Permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This Supplementary Application must be done before the permit end date. Permits for non-emergency work shall be submitted at least 72 hours prior to the planned start of work.

## Sec. 1.16. Other Obligations.

Subd. 1. Compliance With Other Laws. The applicant must notify and obtain a permit from any township or city through which it passes if said township or city so requires. Obtaining a Right of Way Permit does not relieve permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by the County or other applicable rule, law or regulation. Permittee shall comply with other local codes and with road load restrictions. A permittee shall comply with all requirements of local, state and federal laws, including Minn. Stat. § 216D.01-.09 ("Gopher One Call Excavation Notice System"). A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the Right of Way pursuant to its permit, regardless of who does the work.

Subd. 2. Prohibited Work. Except in an Emergency, and with the approval of the County, no Right of Way Obstruction or Excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.

Subd. 3. Interference with Right of Way. A permittee shall not so Obstruct a Right of Way that the natural free and clear passage of water through the gutters, culverts, ditches tiles or other waterways shall be interfered. Private vehicles of those doing work in the Right of Way may not be parked within or next to a permit area, unless parked in conformance with county or applicable township and city parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit.

Traffic control shall conform to the MMUTCD and its field manual and any written directions of the county engineer or his or her designee.

## Sec. 1.17. Denial of Permit.

The County may deny a permit for failure to meet the requirements and conditions of this Chapter or if the County determines that the denial is necessary to protect the public health, safety, and welfare or when necessary to protect the Right of Way and its current and future use. The County may deny a permit if the utility has failed to comply with previous permit conditions. The County may withhold issuance of a permit until conditions of previous permit are complied with.

## Sec. 1.18. Installation Requirements.

The excavation, backfilling, Patching and Restoration, and all other work performed in the Right of Way shall be done in conformance with Minn. Rules 7819.1100 and 7819.5000 and shall conform to MnDOT standard specifications and other applicable local requirements, in so far as they are not inconsistent with the Minn. Stat. §§ 237.162 and 237.163.

## Sec. 1.19. Inspection.

Subd. 1. Notice of Completion. When the work under any permit hereunder is completed, the permittee shall furnish a Completion Certificate in accordance with Minn. Rule 7819.1300.

Subd. 2. Site Inspection. Permittee shall make the work-site available to the County and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

Subd 3. Authority of County.

- (a) At the time of inspection the Director may order the immediate cessation and correction of any work which poses a serious threat to the life, health, safety or wellbeing of the public.
- (b) The Director may issue an order to the permittee for any work which does not conform to the terms of the permit or other applicable standards, rules, laws, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the permittee shall present proof to the Director that the violation has been corrected. If such proof has not been presented within the required time, the Director may revoke the permit pursuant to Sec. 1.22.
- (c) The cost of any action required by the County shall be paid by the permittee.

## Sec. 1.20. Work Done Without a Permit

Subd. 1. Emergency Situations. Each Registrant shall immediately notify the Director of any event regarding its Facilities that it considers to be an Emergency. The Registrant may proceed to take whatever actions are necessary to respond to the Emergency. Within two business days after the occurrence of the Emergency the Registrant shall apply for the necessary permits, pay the fees associated therewith and fulfill the rest of the requirements necessary to bring itself into compliance with this Chapter for the actions it took in response to the Emergency.

If the County becomes aware of an Emergency regarding a Registrant's Facilities, the County will attempt to contact the Local Representative of each Registrant affected, or potentially affected, by the Emergency. In any event, the County may take whatever action it deems necessary to correct the Emergency, the cost of which shall be borne by the Registrant whose Facilities occasioned the Emergency.

Subd. 2. Non-Emergency Situations. Except in an Emergency, any Person who, without first having obtained the necessary permit, Obstructs or Excavates a Right of Way must subsequently obtain a permit, pay double the normal fee for said permit, pay double all the other fees required by the County Code, and deposit with the County the fees necessary to correct any damage to the Right of Way and comply with all of the requirements of this Chapter.

## Sec. 1.21. Supplementary Notification.

If the Obstruction or Excavation of the Right of Way begins later or ends sooner than the date given on the permit, permittee shall notify the County of the accurate information as soon as this information is known.

## Sec. 1.22. Revocation of Permits.

Subd. 1. Substantial Breach. The County reserves its right, as provided herein, to revoke any Right of Way Permit, without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit including a threat to the safety of workers, or the right of way user or the utility users. A substantial breach by permittee shall include, but shall not be limited to, the following:

- (a) The violation of any material provision of the Right of Way Permit;
- (b) An evasion or attempt to evade any material provision of the Right of Way Permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the County or its citizens;
- (c) Any material misrepresentation of fact in the application for a Right of Way Permit;
- (d) The failure to complete the work in a timely manner; unless a permit extension is obtained, or unless the failure to complete work is due to reasons beyond the permittee's control, or failure to relocate existing facilities as specified in Sec. 1.24; or
- (e) The failure to correct, in a timely manner, work that does not conform to a condition indicated on an Order issued pursuant to Sec. 1.19.
- (f) Failure of the utility to pay any required costs, fees, or charges billed by the county.
- (g) Failure to provide traffic control that conforms to the provisions of the Minnesota Manual on Uniform Traffic Control Devices, including the Temporary Traffic Control Zones Field Manual.

Subd. 2. Written Notice of Breach. If the County determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit the County shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations may be cause for revocation of the permit. A substantial breach, as stated above, will allow the County, at its discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.

Subd. 3. Response to Notice of Breach. Within twenty-four (24) hours of receiving notification of the breach, permittee shall provide the County with a plan, acceptable to the County that will cure the breach.

Permittee's failure to so contact the County, or the permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit. Further, permittee's failure to so contact the County, or the permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall automatically revoke the permit and may include placing the permittee on Probation for one (1) full year.

Subd. 4. Cause for Probation. From time to time, the County may establish a list of conditions of the permit, which if breached will automatically place the permittee on Probation for one full year, such as, but not limited to, working out of the allotted time period or working on Right of Way grossly outside of the permit authorization.

Subd. 5. Automatic Revocation. If a permittee, while on Probation, commits a breach as outlined above, permittee's permit will automatically be revoked and permittee will not be allowed further permits for one full year, except for Emergency repairs.

Subd. 6. Reimbursement of County Costs. If a permit is revoked, the permittee shall also reimburse the County for the County's reasonable costs, including Restoration Costs and the costs of collection and reasonable attorneys' fees incurred in connection with such revocation.

Subd. 7. Revoked Permit. If the county revokes a utility's permit for breach of this ordinance, the utility will not be allowed to obstruct or excavate within the county Right of Way until the breach situation is corrected to the satisfaction of the Director and the permit is reissued.

#### Sec. 1.23. Mapping Data.

Subd. 1. Information Required. Each registrant and permittee shall provide Mapping information required by the County in accordance with Minn. Rules 7819.4000 and 7819.4100.

Therefore, in managing the use of its public rights of way, a local government unit may establish, develop, and implement a right of way mapping system as follows. The purpose of a mapping system is to:

- (a) allow flexibility in its use by the local government as an effective management tool;
- (b) enhance public safety and user facility safety;
- (c) provide for long-term cost savings;
- (d) improve public right of way design quality; and
- (e) allow for better information collection and cooperative usage among local government units, telecommunications companies, and other users of the public right of way.

Subd. 2. Application required. When a local government unit requires a permit for excavation in or obstruction of its public right of way, a person wishing to undertake a project within the public right of way shall submit a right of way permit application, which may require the filing of mapping information pursuant to subdivision 3.

Subd. 3. Information. The local government unit may require as part of its permit application the filing of all the following information:

- (a) location and approximate depth of applicant's mains, cables, conduits, switches, and related equipment and facilities, with the location based on:
  - (1) off-sets from property lines, distances from the centerline of the public right of way, and curb lines as determined by the local government unit;
  - (2) coordinates derived from the coordinate system being used by the local government unit; or
  - (3) any other system agreed upon by the right of way user and local government unit;
- (b) the type and size of the utility facility;
- (c) a description showing aboveground appurtenances;
- (d) a legend explaining symbols, characters, abbreviations, scale, and other data shown on the map, and
- (e) any facilities to be abandoned, if applicable, in conformance with Minn. Stat. § 216D.04, subd. 3.

Subd. 4. Changes and corrections. The application must provide that the applicant agrees to submit "as built" drawings, reflecting any changes and variations from the information provided under subdivision 3, items A to E.

Subd. 5. Additional construction information. In addition, the right of way user shall submit to the local government unit at the time the project is completed a completion certificate according to part 7819.1300.

Subd. 6. Manner of conveying permit data. A right of way user is not required to provide or convey mapping information or data in a format or manner that is different from what is currently utilized and maintained by that user. A permit application fee may include the cost to convert the data furnished by the right of way user to a format currently in use by the local unit of government. These data conversion costs, unlike other costs that make up permit fees, may be included in the permit fee after the permit application process.

Subd. 7. Data on existing facilities. At the request of a local government unit, a right of way user shall provide existing data on its existing facilities within the public right of way in the form maintained by the user at the time the request was made, if available.

## Sec. 1.24. Location and Relocation of Facilities.

Subd. 1. Placement, Location, and Relocation. Placement, location, and relocation of facilities must comply with the Act, with other applicable law, and with Minn. Rules 7819.3100, 7819.5000, and 7819.5100, to the extent the rules do not limit authority otherwise available to cities and counties. By submitting a request for a permit the person recognizes they must conform to the existing ordinances and codes of other units of government related to underground placement regardless of how the application is written or permit granted.

Utility poles and guy anchors, and any other equipment, shall conform to NCHRP 350 standards for crash worthiness or must be located outside of applicable clear zones. Any installation that does not conform to Minnesota Department of Transportation clear zone standards must be approved by the Director and the facility owner shall indemnify and hold harmless the County.

Subd. 2. Corridors. The County may assign specific corridors within the Right of Way, or any particular segment thereof as may be necessary, as a best management practice for each type of Facility that is, or, pursuant to current technology, the County expects will someday be, located within the Right of Way. All Right of Way Permits issued by the County involving the installation or replacement of Facilities shall designate the proper corridor for the Facilities at issue. A typical cross section of the location for utilities may be on file at the Director's office. This section is not intended to establish "high density corridors".

Any Registrant who has Facilities in the Right of Way in a position at variance with the corridors established by the County shall, no later than at the time of the next reconstruction or excavation of the area where the Facilities are located, move the Facilities to the assigned position within the Right of Way, unless this requirement is waived by the County for good cause shown, upon consideration of such factors as the remaining economic life of the Facilities, public safety, customer Service needs and hardship to the Registrant.

Subd. 3. Nuisance. One year after the passage of this Chapter, any Facilities found in a Right of Way that have not been Registered shall be deemed to be a nuisance. The County may exercise any remedies or rights it has at law or in equity, including, but not limited to, abating the nuisance or taking possession of the Facilities and restoring the Right of Way to a useable condition and requiring payment to the County for the costs involved.

Subd. 4. Limitation of Space. To protect health, safety, and welfare or when necessary to protect the Right of Way and its current use, the County shall have the power to use best management practices to prohibit or limit the placement and location of new or additional Facilities within the Right of Way. In making such decisions, the County shall strive to the extent possible to accommodate all existing and potential users of the Right of Way, but shall be guided primarily by considerations of the public interest, the public's need for the particular Utility Service, the condition of the Right of Way, the time of year with respect to essential utilities, the protection of existing Facilities in the Right of Way, and future County plans for public improvements and development projects which have been determined to be in the public interest.

Subd. 5. Relocation of Facilities. A Registrant must promptly and at its own expense, with due regard for seasonal working conditions, permanently remove and relocate its Facilities in the Right of Way whenever the Director for good cause requests such removal and relocation, and shall restore the Right of Way consistent with PUC standards, local regulations and MnDOT standard specifications. The Director may make such request to prevent interference by the Company's Equipment or Facilities with (i) a present or future County use of the Right of Way, (ii) a public improvement undertaken by the County, (iii) an economic development project in which the County has an interest or investment, (iv) when the public health, safety and welfare require it, or (v) when necessary to prevent interference with the safety and convenience of ordinary travel over the Right of Way.

- (a) Relocation Notification Procedure: The Director shall notify the utility owner at least six (6) months in advance of the need to relocate existing facilities so the owner can plan the relocation. The Director shall provide a second notification to the owner one (1) month before the owner needs to begin the relocation. The utility owner shall begin relocation of the facilities within one (1) week of the second notification. All utilities shall be relocated within one (1) month. The Director may allow a different schedule if it does not interfere with the County's project. The utility owner shall diligently work to relocate the facilities within the above schedule.

In the event that emergency work by the County or by a municipality in the County right of way requires relocation of a utility, the notification requirements above are waived. The County and utility shall coordinate efforts to minimize delay.

- (b) Delay to County Project: The Director shall notify the utility owner if the owner's progress will not meet the relocation schedule. If the owner does not take action to insure the relocation will be completed in accordance with the above schedule and the Director feels this delay will have an adverse impact to a county project, then the Director may hire a competent contractor to perform the relocation. In that event, the county may charge the utility owner all costs incurred to relocate the facility.

The county may charge the utility owner for all costs incurred and requested by a contractor working for the county who is delayed because the relocation is not completed in the scheduled timeframe and for all costs incurred by the county due to the delay.

Notwithstanding the foregoing, according to the PUC rules, a Person shall not be required to remove or relocate its Facilities from any Right of Way which has been vacated in favor of a non-governmental entity unless and until the reasonable costs thereof are first paid to the Person.

However, this does not exempt the utility company from paying for the value of any taking of said property by occupation without compensation.

#### Sec. 1.25. Pre-excavation Facilities Location.

In addition to complying with the requirements of Minn. Stat. § 216D.01-.09 ("One Call Excavation Notice System") before the start date of any Right of Way excavation, each

Registrant who has Facilities or Equipment in the area to be excavated shall mark the horizontal and vertical placement of all said Facilities. Any Registrant whose Facilities are in the area of work shall notify and work closely with the excavation contractor to establish the exact location of its Facilities and the best procedure for excavation to protect the safety of workers and right of way users and other utility users. If the utility is not at the approved depth or location, it shall be exposed at the permittee's expense or by the county upon written notice to the permittee. The county may, upon said notice, locate said utility at the permittee's expense.

#### Sec. 1.26. Damage to Other Facilities.

When the County does work in the Right of Way and finds it necessary to maintain, support, or move a Registrant's Facilities to protect it, the Director shall notify the Local Representative as early as is reasonably possible. The costs associated therewith will be billed to that Registrant and must be paid within thirty (30) days from the date of billing. Each Registrant shall be responsible for the cost of repairing any Facilities in the Right of Way that it or its Facilities damages. When the permittee does damage to county facilities in the Right of Way, such as, but not limited to, culverts, road surfaces, curbs and gutters, or tile lines, they shall correct the damage immediately. If they do not, the county may make such repairs as necessary and charge all of the expenses of the repair to the permittee. The permittee shall pay for said repairs within 30 days of billing. Each Registrant shall be responsible for the cost of repairing any damage to the Facilities of another Registrant caused during the County's response to an Emergency occasioned by that Registrant's Facilities.

#### Sec. 1.27. Right of Way Vacation.

**Reservation of Right.** If the County vacates a right of way that contains the facilities of a registrant, the registrant's rights in the vacated right of way are governed by Minn. Rule 7819.1250 and other applicable laws.

#### Sec. 1.28. Indemnification and Liability.

By registering with the County, or by accepting a permit under this Chapter, a Registrant or permittee agrees to defend and indemnify the county in accordance with the provisions of Minn. Rule 7819.1250.

All permits are granted subject to the ownership rights the County may have in the property involved and to the extent that state, federal local laws, rules and regulations allow and said permit is subject to all such laws and rules.

#### Sec. 1.29. Abandoned or Unusable Facilities.

**Subd. 1. Discontinued Operations.** A registrant who has determined to discontinue all or a portion of its operations in the county must provide information satisfactory to the county that the registrant's obligations for its facilities in the right of way under this chapter have been lawfully assumed by another registrant.

**Subd. 2. Removal.** Any registrant who has abandoned or unusable facilities in any right of way shall remove them from that right of way if required in conjunction with other right of way repair, excavation, or construction, unless the county waives this requirement.

Sec. 1.30. Appeal.

A Right of Way user that: (1) has been denied registration; (2) has been denied a permit; (3) has had permit revoked; or (4) believes that the fees imposed are invalid, may have the denial, revocation, or fee imposition reviewed, upon written request, by the County Board. The County Board shall act on a timely written request at its next regularly scheduled meeting. A decision by the County Board affirming the denial, revocation, or fee imposition will be in writing and supported by written findings establishing the reasonableness of the decision.

Sec. 1.31. Reservation of Regulatory and Police Powers.

A permittee's or Registrant's rights are subject to the regulatory and police powers of the County to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public.

Sec. 1.32. Severability.

If any portion of this chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof. Nothing in this Chapter precludes the County from requiring a franchise agreement with the applicant, as allowed by law, in addition to requirements set forth herein.

Sec. 1.33. Penalty for Violation.

Violation of this ordinance shall result in the assessment of a penalty of \$500 per occurrence per site per mile per day as long as may be applicable unless a penalty or fine is otherwise specifically designated in this ordinance.

# **VII. Construction Inspection Process**

## **Anoka County Highway Department**

Development Review Process

*August, 2014*

# ANOKA COUNTY HIGHWAY DEPARTMENT

## Construction Requirements Checklist for County Highway Modifications

Development/Project Name: \_\_\_\_\_

County Highway No.(s): \_\_\_\_\_

Submittal Date: \_\_\_\_\_

Revision: July1, 2014

All construction shall meet **Permit requirements, MnDOT Standard Specifications for Construction (2014)** and the following:

Construction Requirements	Standard	Compliance	Standard Achieved (Yes or No or NA)	Notes
<b>Traffic Control/Detour:</b>				
Traffic control/detour plan.	Submit traffic control plan at time or prior to permit application	Must be approved prior to issuance of any permits		The contractor shall utilize the most current version of the <u>Minnesota Manual on Uniform Traffic Control Devices, Field Manual</u> (hereinafter referred to as the Field Manual). All changes to plan require prior approval.
Traffic control/detour checklist	Daily inspection and weekly nighttime inspection of installed traffic control	Daily checklist (see <u>Field Manual</u> 6K-95 or supplied by ACHD)		A new checklist shall be requested and supplied (by ACHD) upon implementation of a new stage of construction or change in traffic control plan.
Field Layout	Conform to <u>Field Manual</u> standards	Field Check		Variation will require prior approval before implementation
Flagpersons	Conform to <u>Field Manual</u> standards	Field Check		Variation will require prior approval before implementation
Longitudinal Drop-off guidelines	Conform to <u>Field Manual</u> standards	Field Check		Failure to meet these requirements will result in suspension of project or implementation by ACHD at contractor's expense
<b>Removals:</b>				
Clear and Grub - Tree Removal	See standard specification 2101	Disposal ticket or a letter indicating how tree disposal was accomplished		The Contractor shall be aware that Anoka County has a "Solid Waste Ordinance" and all disposals shall be in compliance with the intent of that ordinance. Disposal within the right-of-way will not be allowed
Pavement	See standard specification 2104	Field Check		Pavement will be sawcut at point of removal in all cases
Pavement marking removal	See standard specification 2102.3	Shall conform with ACHD spotting		Contractor shall notify ACHD 48 hours prior to marking removal to allow time for marking of removal limits. Pavement markings shall be removed to the satisfaction of ACHD.
Miscellaneous structures	See standard specification 2104	Field Check		Disposal within the right-of-way will not be allowed
Regulatory signs	Placed on temporary stands and placed in appropriate location	Field Check		Failure to replace regulatory signs in a timely manner will result in suspension of project or implementation by ACHD at contractor's expense
<b>Grading and Base:</b>				
Grading grade material gradation	See Standard Specification 2105.2 B Borrow material	See Note Send results to ACHD Const. Eng. Supervisor		Engineering report indicating gradations meeting the requirements of 3149.2 B1 granular borrow. One test per 500 feet. Compliance required before proceeding with next phase of construction.
Grading grade density: Fill areas greater than 3 feet: that portion of fill greater than 3 feet below final grade.	See Standard Specification 2105.3 F1 Specified density	See Note Send results to ACHD Const. Eng. Supervisor		Engineering report indicating a minimum of 95% specified density for two density test per 500 linear feet of roadway per lane. Compliance required before proceeding with next phase of construction.

Construction Requirements	Standard	Compliance	Standard Achieved (Yes or No or NA)	Notes
Grading grade density: Fill areas less than 3 feet: minimum 1 foot sub-cut for uniformity of compaction.	See Standard Specification 2105.3 F1 Specified density	See Note Send results to ACHD Const. Eng. Supervisor		Engineering report indicating a minimum of 100% specified density for two density test per 500 linear feet of roadway per lane. Compliance required before proceeding with next phase of construction.
Aggregate base material gradation	See Standard Specification 2211	See Note Send results to ACHD Const. Eng. Supervisor		Engineering report indicating gradations meeting the requirements of 3138 aggregate base class 5. One test per 500 feet. Compliance required before proceeding with next phase of construction.
Aggregate base density	See Standard Specification 2211 C1 Specified density	See Note Send results to ACHD Const. Eng. Supervisor		Engineering report indicating a minimum of 100% specified density for two density test per 500 linear feet of roadway per lane. Compliance required before proceeding with next phase of construction.
Aggregate shoulder	See Standard Specification 2221	See Note Send results to ACHD Const. Eng. Supervisor		Engineering report indicating gradations meeting the requirements of 3138 aggregate base class 7. One test per 500 feet.
<b>Bituminous:</b>				
Materials	Per Standard Specifications 2360	Recommendation shall be requested from and made by ACHD		Materials shall be from a certified plant and conform to ACHD recommendations.
Density	Per Standard Specifications 2360	Either Ordinary Compaction, Cores or Nuclear Density		Engineering report indicating bituminous density meets requirements as determined by mixture and use.
Surface requirements	Per Standard Specifications 2360	No variations greater than 1/8 inch on a 10 foot straightedge		Failures in meeting the surface requirements shall be corrected using micro milling at the Contractor's expense
<b>Drainage:</b>				
Pipe Culverts	See Standard Specification 2501 Borrow material	Invoice from supplier		Materials shall be from a MnDOT certified supplier
Pipe Sewer	See Standard Specification 2503	Invoice from supplier		Materials shall be from a MnDOT certified supplier
Drainage trenches density	See Standard Specification 2105.3 F1 Specified density	See Note Send results to ACHD Const. Eng. Supervisor		Engineering report indicating a minimum of 100% specified density for one density test per 50 feet of trench. Compliance required before proceeding with next phase of construction.
Drainage trenches patch	Per ACHD requirements	see note		Contractor shall replace grading, base and bituminous section of adjacent roadway.
<b>Concrete Items:</b>				
Concrete walk and curb & gutter	See Standard Specification 2461 Structure Concrete	Certified plant ticket		Contractor shall use MN/DOT 3A32 concrete as supplied by a certified plant.
Median walk signing	Place breakaway post for permanent sign locations.	Field Check		Contractor shall notify ACHD 48 hours prior to placing median concrete so sign breakaways can be set at necessary location Failure to provide notice will require implementation by ACHD at contractor's expense
<b>EROSION CONTROL</b>				
Requirement	Conform to NPDES	Field Check		MnDOT Erosion Control Handbook, by Office of Environmental Services
Silt Fence	Placed around project perimeter as needed	Field Check		

Construction Requirements	Standard	Compliance	Standard Achieved (Yes or No or NA)	Notes
<b>Turf establishment:</b>				
Sod	See Standard Specification 2575 Turf Establishment	Field Check		Residential yards, commercial boulevards where irrigated
Seed and Mulch	See Standard Specification 2575 Turf Establishment	Field Check		All other areas, including boulevards that are not irrigated.
Seed Type	See Standard Specification 2575 Turf Establishment	Field Check		Use 310 - ditches, 26B - boulevards
Mulch Type	See Standard Specification 2575 Turf Establishment	Field Check		Type 1
Erosion Control Blanket	See Standard Specification 2575 Turf Establishment	Field Check		Slopes 1:3 and steeper or any location subject to erosion.
<b>Permanent Signing:</b>				
Sign locations	Locate sign per MnDOT, ACHD and Mn MUTCD requirements	Field Check		Contractor shall notify ACHD 48 hours prior to utility locates to allow time for ACHD to properly locate permanent signs.
<b>Pavement Markings:</b>				
Lane Markings	Epoxy paint	Field Check		Contractor shall notify ACHD 48 hours prior to painting to allow time for ACHD to properly locate lanes and turn bays.
Pavement Messages, Arrows, X-Walks, Stop Lines	Hot Tape Thermoplastic	Field Check		Contractor shall notify ACHD 48 hours prior to placing messages to allow time for ACHD to properly mark locations

SIGNATURE		DATE	
MN P.E. REGISTRATION NUMBER		COMPANY	

# Construction Inspection Process

