



MEMORANDUM

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CASS COUNTY COMMISSION

**Highway  
Department**

Jason Benson, P.E.  
County Engineer

Richard S. Sieg  
Superintendent

Thomas B. Soucy, P.E.  
Assistant County Engineer

TO: Cass County Commission

FROM: Jason Benson, County Engineer *JB*

DATE: December 14, 2015

SUBJECT: Agenda topic for December 21, 2015 Commission Meeting:  
Approval of Updated Utility and Drainage Permit with \$50 Permit Fee

The Cass County Highway Department currently has multiple formats for its permits. Earlier this year we updated our Access Ordinance and a new Access Permit application was approved. Since then, we have worked to standardize the permits for Utilities and Drainage. This is important in that the current application forms do not require consistent information such as applicant's phone number or address. The current forms also lack adequate space for a description of the work to be completed. Below are the major changes in these forms:

1. Standardizes our Access, Drainage, and Utility Permits in format and required information from the applicant.
2. Formalizes the approval, inspection, and final acceptance process for Highway Department staff to follow.
3. Drainage Permit provides updated guidance for drain tile outletting into our right of way. This will allow better tracking of these outlets.
4. Brings our permits in line with the NDDOT permits.
5. Formalizes the permit process for ditch lowering.
6. Provides an easier format for describing the type of work to be completed.

Finally, I am recommending a \$50 permit fee for these permits. Currently many counties around the state and the NDDOT require permit fees. These range from \$25 to more than \$100. To be consistent I feel a \$50 fee for these permits is reasonable. This fee will only cover a portion of the staff costs to process the permit, drive out and inspect the site, and any other staff time to verify right of way and other issues.

**SUGGESTED MOTION:**

Approve the updated Utility and Drainage Permit with a \$50 Permit Fee for each Permit.

1201 Main Avenue West  
West Fargo, North Dakota  
58078-1301

701-298-2370  
Fax: 701-298-2395

# UTILITY PERMIT APPLICATION



**Highway Department**  
 1201 Main Avenue West  
 West Fargo, ND 58078  
[www.casscountynd.gov](http://www.casscountynd.gov)  
 Phone: 701-298-2370  
 Fax: 701-298-2395

**Please Print or Type** **Instructions:** Complete all questions that apply, sign, attach necessary documents, and submit to the Cass County Highway Department, along with a nonrefundable application fee in the amount of \$50. Submit an application and fee for each permit requested.

Applicant (Owner of Facility)	Applicant's Representative (Consultant/Engineer/Contractor)
Address	Address
City, State Zip	City, State Zip
Phone	Phone
Email Address	Email Address

<b>Type of Facility Requested</b> <input type="checkbox"/> Open Trenching <input type="checkbox"/> Boring or Jacking <input type="checkbox"/> Repair <input type="checkbox"/> Other (Describe) _____				Please attach a plan of the proposed facility showing the location(s) and size of any boring or jacking pits. The size of the plan should preferably be 8½ x 11.	
Address, City, State Zip of Property to be Served by Permit (if applicable)					
On what county highway are you requesting the utility?	Section-Township-Range	What side of the highway? <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W		<input type="checkbox"/> Along <input type="checkbox"/> Across	
Description of proposed work					
Estimated Project Start Date			Estimated Project Completion Date		

By signing below, the Applicant agrees to perform all work in accordance with this Permit and to indemnify and hold harmless the County, its officers, and employees from all liability, judgments, costs, expenses, and claims growing out of damages, or alleged damages, of any nature whatsoever, to any person or property arising out of performance or nonperformance of said work, or the existence of said utilities.

\_\_\_\_\_  
 Applicant Signature Date

Upon approval and issuance of the permit, the Applicant is hereby granted permission to install and maintain the utilities applied for as shown on the plans attached hereto and made a part hereof, as per the Estimated Project Start Date, within the deeded right of way or easement or will obtain proper easements via the landowner.

\_\_\_\_\_  
 Authorized Highway Department Signature Date

**TERMS AND CONDITIONS:** Installation and maintenance of said utilities on highway right of way shall be subject to the following terms and conditions:

1. Installation, maintenance, relocation, and removal of said utilities on highway right of way shall be done in a manner satisfactory to the Board of County Commissioners or County Engineer.
2. No work under this application is to be started until the application is approved and the permit is issued.
3. Where work on or near the traveled roadway is necessary, proper signs, channelizing devices, warning lights, and barricades must be erected to protect traffic, employees, and pedestrians. All traffic control devices and methods shall conform to the Manual on Uniform Traffic Control Devices.
4. No foreign material such as dirt, gravel, or bituminous material shall be deposited or left on the road during the construction or installation said facilities.
5. Roadside must be cleaned up after work is completed.
6. Proper erosion control and sedimentation devices shall be used.
7. No construction shall be considered as completed until checked and approved by the County Highway Department. Surfacing may be omitted on field entrances if so specified in the application.
8. The Applicant shall repair or replace highway structures, appurtenances, and any existing facilities located on, over, or under highway right of way, which may be damaged as a result of the installation and maintenance of said utilities on highway right of way.
9. Applicant shall promptly remove said utilities from highway right of way, shall relocate, or adjust said utilities, at its sole cost and expense when requested to so do by the Board of County Commissioners.
10. The Applicant is responsible for obtaining all utility locates prior to beginning any work within the highway right of way.
11. The Applicant shall be required to wear an ANSI/ISEA 107-2004 Class II high visibility garment while within the highway right of way as per the requirements of 23 CFR 634.
12. The County shall not be liable for damage to said utilities resulting from reconstruction or maintenance of the highway.
13. Within thirty (30) days after construction, maintenance, relocation, or removal of said utilities, any right of way scars shall be removed and disturbed areas shall be seeded and restored to original conditions. The area will be maintained by the Applicant for a period of one (1) year from the date of final inspection.
14. The utility shall be placed at a minimum depth of forty-two (42) inches below the ditch elevation and/or culvert within one hundred (100) feet from the centerline of the County Highway.
15. The utility shall be placed under all County Highways by means of casing pipe or boring at a minimum depth of forty-two (42) inches under the road surface or below the lowest ditch elevation. No open cuts allowed 42 inches below any culvert.
16. Marker posts shall be installed on all crossings on the right of way line or farther from the centerline of the road.
17. After construction is completed, the Applicant shall notify the Cass County Highway Department that the work is completed and is ready for final inspection.

**OFFICE USE ONLY**

<b>OFFICE USE ONLY</b>		
Application Fee Received:	Amount \$	Date:
Approved Permit Sent to Applicant:	Date:	
Notification Received From Applicant that work is complete:	Date:	
Final Inspection Completed By:		Date:
Final Inspection Approved:	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Comments:		

# DRAINAGE/DITCH CLEANING PERMIT APPLICATION



Highway Department  
 1201 Main Avenue West  
 West Fargo, ND 58078  
[www.casscountynd.gov](http://www.casscountynd.gov)  
 Phone: 701-298-2370  
 Fax: 701-298-2395

**Please Print or Type** **Instructions:** Complete all questions that apply, sign, attach necessary documents, and submit to the Cass County Highway Department, along with a nonrefundable application fee in the amount of \$50. Submit an application and fee for each permit requested.

Applicant (Landowner)	Applicant's Representative (Renter/Other)
Address	Address
City, State Zip	City, State Zip
Phone	Phone
Email Address	Email Address

Type of Permit Requested	
<input type="checkbox"/> Drainage <input type="checkbox"/> Ditch Cleaning	Attachment A is needed when processing requests for Drainage. Attachment B is needed when processing requests for Ditch Cleaning.

Location of Proposed Work			
Water Resource District	Address, City, State Zip of Property to be Served by Permit (if applicable)		
On what county highway are you requesting the drainage/cleaning?	Section-Township-Range	What side of the highway?	<input type="checkbox"/> Along <input type="checkbox"/> Across
		<input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W	

Wetland Review	
This application is for the single purpose of cleaning a ditch to its original design elevation and will not require a wetlands review	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If you answered no, the applicant is required to work with the National Resources Conservation Service and, if necessary, the Corps of Engineers, US Fish and Wildlife, and North Dakota Game and Fish, to ensure no wetlands are impacted by the proposed project.	
Wetland(s) impacted <input type="checkbox"/> Yes <input type="checkbox"/> No	
Description of proposed work	
Estimated Project Start Date	Estimated Project Completion Date

By signing below, the Applicant agrees to perform all work in accordance with this Permit and to indemnify and hold harmless the County, its officers, and employees from all liability, judgments, costs, expenses, and claims growing out of damages, or alleged damages, of any nature whatsoever, to any person or property arising out of performance or nonperformance of said work.

\_\_\_\_\_  
 Applicant Signature

\_\_\_\_\_  
 Date

Upon approval and issuance of the permit, the Applicant is hereby granted permission to do the work described herein. Should the work exceed the limits herein allowed, the permit shall become null and void and the applicant shall immediately be in violation of any laws, ordinances, rules, regulations, etc., as pertains to working without a drainage permit.

\_\_\_\_\_  
 Authorized Highway Department Signature

\_\_\_\_\_  
 Date

**TERMS AND CONDITIONS:** Drainage on highway right of way and ditch cleaning shall be subject to the following terms and conditions:

1. Landowners request for drainage on highway right of way must be reviewed or approved by the Water Resource District.
2. When drainage work involves ditch cleaning, ditch elevations should be re-established to the original ground level to match the existing invert culvert elevations and not infringe upon the established inslopes and backslopes of the road ditch.
3. All materials removed from the ditch will be wasted on the property outside of the road right of way unless other arrangements have been made with the Cass County Highway Department.
4. The applicant agrees to seed all disturbed areas with a suitable grass seed mixture.
5. The applicant hereby agrees to cause this work to be done at no cost to the Cass County Highway Department.
6. Disturbed areas shall be left in a neat appearing condition. The existing in slope and back slopes shall be maintained.
7. All disturbed areas shall be seeded. Measures shall be taken to prevent erosion from occurring.
8. All work and associated costs are the responsibility of the applicant.
9. The applicant is responsible for obtaining all utility locates prior to beginning any work within the highway right of way.
10. The applicant shall be required to wear an ANSI/ISEA 107-2004 Class II high visibility garment while within the highway right of way as per the requirements of 23 CFR 634.
11. Drainage work shall be conducted so as to ensure the safety of the public as well as the people who are working at the site.
12. No work under this application is to be started until the application is approved and the permit is issued.
13. Where work on or near the traveled roadway is necessary, proper signs, channelizing devices, warning lights, and barricades must be erected to protect traffic, employees, and pedestrians. All traffic control devices and methods shall conform to the Manual on Uniform Traffic Control Devices (MUTCD).
14. Proper erosion control and sedimentation devices shall be used.
15. After construction is completed, the applicant shall notify the Cass County Highway Department that the work is completed and is ready for final inspection.

**OFFICE USE ONLY**

<b>OFFICE USE ONLY</b>		
Application Fee Received:	Amount \$	Date:
Approved Permit Sent to Applicant:	Date:	
Notification Received From Applicant that work is complete:	Date:	
Final Inspection Completed By:		Date:
Final Inspection Approved:	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Comments:		

## ATTACHMENT A

### Requirements for Drainage Adjacent to Cass County Highways:

1. The Applicant shall be responsible for all costs incurred for all items of work, complete in place. The Applicant shall include the furnishing of all labor and equipment needed for maintenance, removal, or relocation if necessary. If the Applicant fails to maintain, remove, or relocate, the Cass County Highway Department will then make any corrections necessary and assess costs to the Applicant. The Permit shall transfer with ownership of the property being drained.
2. The location of the discharge of the drain tile shall match the Original Contour and elevation of the property. If the Applicant needs to discharge the drain tile in a location that does not follow the original contours, the Applicant will need to get approval from the local water board regardless of the size of the drain tile acreage. In addition, the Applicant may be permitted/required to clean a short portion of the highway ditch if needed to reestablish the original ditch grade line. Example: If the field originally drains towards the NE corner of the property, the drain tile shall discharge in the NE corner of the property. The Applicant will need to verify to the Cass County Highway Department with a contour map.
3. Water from the drain tile system shall be discharged off of the Cass County Highway Department right of way. The water shall enter the Cass County Highway Department right of way through an approved above ground ditch. All permanent structures, pumps, energy dissipation devices shall be constructed entirely off the Cass County Highway Department right of way. The Cass County Highway Department shall not be held responsible for water backing up into drain tile system.
4. If there is a need for the drain tile system to cross Cass County Highway Department right of way, the crossing shall be perpendicular to the centerline of the roadway. Installation shall be from edge of right of way to edge of right of way. If there is a legal drain located within the highway right of way, the crossing will be allowed to terminate at the drain provided approval from the Water Resource District. All crossings shall require a **Utility Permit**. Utility Permit fees shall be applied. In the event the crossing needs to be removed or relocated to accommodate construction or maintenance of a highway, the applicant or any successors shall relocate the facility. All risk and damage costs to the crossing pipe shall be the responsibility of the Applicant. The Applicant shall be responsible for all locates requested by parties working within or planning to work within highway right of way. The Applicant shall register the location, use purpose, and material type with One-Call or the local utility locate agency. All costs now and in the future for initial and ongoing registration shall be the responsibility of the Applicant.
5. All disturbed areas shall be seeded according to the Cass County Highway Department seed mixture specifications. Erosion control devices shall be installed prior to construction and maintained until 70 percent of the vegetation is reestablished, the Applicant shall then remove the devices.
6. The Applicant shall be responsible for future erosion and sedimentation in the right of way as a result of the installation of the drain tile system on Cass County Highway Department right of way. The Applicant shall make immediate repairs for erosion and remove silt, when needed, or at the request of the Cass County Highway Department.
7. Pumps shall not be allowed to operate if they cause ice to form in ditches and culverts to become plugged with ice.
8. In the event the Cass County Highway Department has a roadway construction or maintenance project in which the drain tile system will affect the Cass County Highway Department's ability to do work on the project, the drain tile system shall be shut off when directed by the Cass County Highway Department. (The Applicant is required to ensure gravity systems have the ability to shut off flow into the Cass County Highway Department right of way.)
9. Cass County Highway Department specifically reserves the right to revoke or change the terms and conditions of this Permit with or without cause and upon notice to the Applicant.
10. Cass County Highway Department specifically reserves the right to plug or terminate any drainage facility located on Cass County Highway right of way if the Applicant cannot be reached or is non-responsive within 30 days of written notice.
11. All work on Cass County Highway Department right of way shall be done in a neat and professional manner, subject to inspection and approval by the Cass County Highway Department.

## ATTACHMENT B

Requirements for Ditch Maintenance Adjacent to Cass County Highways:

Requests for lowering ditch grades or culverts, adding culverts or increasing culvert sizes, installing berms or ditch blocks or changes in the size of the drainage area, the following information will be required:

1. A hydraulic analysis shall be performed and approved by a Registered Engineer in the state of North Dakota. The hydraulic analysis shall show size of drainage area, discharges for 10, 25, 50, and 100 year peak flows, depth of flow for peak flows and headwater elevations for peak flows. All peak flows shall be calculated using the USGS Method (*Techniques for Estimating Peak-Flow Frequency Relations for North Dakota Streams*) for rural areas or Rational Method for urban areas for existing and proposed conditions. Upstream and downstream impacts need to be identified.
2. A Set of Construction drawings approved by a Registered Engineer in the state of North Dakota shall be submitted showing existing and proposed ditch and culvert elevations. Cross section drawings will be required for ditches, approaches, berms, and ditch blocks.
3. If the request is approved by the County Engineer, a Cass County Highway Department Drainage Permit will be required to perform the work.

\*Current Application

## CASS COUNTY HIGHWAY DEPARTMENT UTILITY PERMIT

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Applicants Name

Company

THE APPLICANT is hereby granted permission to install and maintain the following described facilities on highway right of way, as shown on the plans attached hereto and made a part hereof:

INSTALLATION AND MAINTENANCE: Installation and maintenance of said facilities on highway right of way shall conform to the following provisions:

- (1). Within thirty (30) days after construction, maintenance, relocation or removal of said facilities, any right of way scars shall be removed and disturbed areas restored to original condition and reseeded. The area will be maintained by the applicant or a period of one (1) year from the date of completion.
- (2). The utility shall be placed at a minimum depth of 42 inches below the ditch elevation within 75 feet of the centerline of the road.
- (3). The utility shall be placed under all County roads by means of pipe, pushed at a minimum depth of 42 inches under the road surface.
- (4). Marker posts shall be installed on all crossings on the right of way line or farther from the centerline of the road.

TERMS AND CONDITIONS: Installation and maintenance of said facilities on highway right of way shall be subject to the following terms and conditions:

- (A). Installation, maintenance, relocation and removal of said facilities on highway right of way shall be done in a manner satisfactory to the Board of County Commissioners.
- (B). The County shall not be liable for damage to said facilities resulting from reconstruction or maintenance of the highway. Applicant shall hold the County harmless for injury to persons or damage to property resulting from the location of said facilities on highway right of way.
- (C). Applicant shall repair or replace highway structures and appurtenances and any existing facilities located on, over or under highway right of way, which may be damaged as a result of the installation and maintenance of said facilities on highway right of way.
- (D). Applicant shall promptly remove said facilities from highway right of way, or shall relocate or adjust said facilities, at its sole cost and expense when requested to so do by the Board of County Commissioners.
- (E). Applicant shall, upon installation and restoration, call the Cass County Highway Department for inspection.

Applicant hereby agrees to the above terms and conditions and when this application is signed by both the applicant and the County, it shall become a permit to do the work herein described.

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County Highway Number

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Applicant Signature

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Township

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Title

---

Sections

---

Cass County Engineer

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Date Approved



\* Current Application

### APPLICATION FOR "DITCH CLEANING PERMIT"

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

LANDOWNER \_\_\_\_\_ RENTER \_\_\_\_\_ OTHER \_\_\_\_\_

ADDRESS: \_\_\_\_\_

**DESCRIPTION OF WORK:**

To remove blowdirt or other sediment from the road ditch along the \_\_\_\_\_ side of:

- (a) County Road # \_\_\_\_\_ Sec. \_\_\_\_\_, Twp. \_\_\_\_\_, Range \_\_\_\_\_.
- (b) Township Road on the \_\_\_\_\_ side of Sec. \_\_\_\_\_, Twp. \_\_\_\_\_, Range \_\_\_\_\_.
- (c) State Highway # \_\_\_\_\_ Sec. \_\_\_\_\_, Twp. \_\_\_\_\_, Range \_\_\_\_\_.

The applicant hereby agrees to clean the ditch **only to the original ground level** and also agrees not to infringe upon the established inslopes and backslopes of the road ditch. All materials removed from the ditch will be wasted on the property outside of the road right of way unless other arrangements have been made with the Road Authority. The applicant agrees to seed all disturbed areas with a suitable grass seed mixture. The applicant hereby agrees to cause this work to be done at "no cost" to the Road Authority.

By entering upon the highway right of way to perform the work authorized by this permit, the Applicant agrees to and will indemnify and hold harmless the Road Authority, its officers, agents and employees from any and all claims or causes of action for compensation for any losses arising out of the performance of the work authorized by this permit. The indemnification shall include all costs and expenses incurred by the Road Authority. The Road Authority herein referred to shall be interpreted to mean the State, County or Township under whose jurisdiction the segment of the highway referred to under paragraphs (a), (b) or (c) of this application lies.

The applicant by signing this application agrees and understands that should the work exceed the limits herein allowed, the permit shall become null and void and the applicant shall immediately be in violation of any laws, ordinances, rules, regulations, etc., as pertains to working without a drainage permit.

THIS APPLICATION WHEN SIGNED AND DATED BY THE APPLICANT AND THE ROAD AUTHORITY SHALL BECOME THE PERMIT TO DO THE WORK DESCRIBED HEREIN.

\_\_\_\_\_  
Signature of Applicant

**COMMENTS BY ROAD AUTHORITY:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(a) For County Roads: \_\_\_\_\_ DATE: \_\_\_\_\_  
Co. Engineer/Road Superintendent

OR

(b) For Twp. Roads: \_\_\_\_\_ DATE: \_\_\_\_\_  
Township Board

OR

(c) For State Highways: \_\_\_\_\_ DATE: \_\_\_\_\_