

Application and Agreement for Use of

Highway Right of Way for Utilities Accommodation

FOR DEPARTMENT USE ONLY

Permit Number	Highway Number	County
DOT Project Number		Expiration/Completion Date

APPLICANT (INDIVIDUAL OR COMPANY)

(ASSISTANCE FROM DEPARTMENT AVAILABLE UPON REQUEST)

First Name	Middle Initial	Last Name	Phone Number
Company Name			Phone Number
Street Address	City/Town	State	Zip Code

INSTALLATION TO BE ACCOMMODATED

Approval is hereby requested to enter within the state highway right of way for the accommodation of a utility installation as detailed on the attachments and further described as follows.

The installation shall consist of:

and shall be located as shown on the detailed plan attached hereto. (See current Iowa Department of Transportation Utility Accommodation Policy for submittal of detailed plan requirements.)

WORK SITE LOCATION

The proposed work as described above is located in Section _____, Twp. _____, Range _____ on Highway No. _____ generally located _____ (miles) _____ (direction) from _____ (city, county line or other land line). Work proposed is more specifically located as being from _____ (Milepost#) and _____ (Highway Station) to _____ (Milepost#) and _____ (Highway Station) on the _____ side of highway.

Applicant Signature and Agreement

I have read this Agreement, understand its provisions, and agree to abide by it and the utility accommodation policy of the Iowa Department of Transportation.

Name of Agent (Print or Type)	Agent/Owner (Signature)	Title
Name of Owner (Print or Type)		Date

CITY ACTION (IF PROPOSED WORK IS WITHIN AN INCORPORATED CITY, CITY ACTION ACTION IS REQUIRED)

"The undersigned city joins in the grants embodied in the above permit executed by the Iowa Department of Transportation on condition that all of the covenants and undertakings therein running to the Iowa Department of Transportation shall inure to the benefit of the undersigned city and recommends action on said permit application as noted below by the delegated city official".

☐ Recommend Approval

☐ Do Not Recommend Approval

☐ None Required

HandwrittenSignature	Title	Date
Type or Print Name	Authorized Official for the City of	

COUNTY ACTION (IF PROPOSED WORK CROSSES COUNTY RIGHT OF WAY, COUNTY ACTION IS REQUIRED)

"The undersigned county joins in the grants embodied in the above permit executed by the Iowa Department of Transportation on condition that all of the covenants and undertakings therein running to the Iowa Department of Transportation shall inure to the benefit of the undersigned county and recommends action on said permit application as noted below by the delegated county official".

☐ Recommend Approval

☐ Do Not Recommend Approval

☐ None Required

Handwritten Signature	Title	Date
Type or Print Name	Authorized Official for the County of	

(DOT/FHWA Signatures and Agreements on next page)

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Special Requirements: in addition to the stipulations below, the following special requirements shall apply to this permit:

FEDERAL HIGHWAY ADMINISTRATION ACTION (WHEN REQUIRED)

☐ Recommend Approval	☐ Do Not Recommend Approval	☐ None Required
Authorized FHWA Representative Signature		Date

DEPARTMENT OF TRANSPORTATION FINAL ACTION

☐ Application Approved	☐ Application Denied	Permit Number	
Authorized Highway District Representative	Signature	Date	
(Type or Print):			

Notice of intention to start construction or maintenance activities on the highway right of way shall be made to:

Local DOT Contact Person (Type of Print Name)			Phone Number
Street Address	City/Town	State	ZIP Code
		IA	

AGREEMENTS

The utility company, corporation, applicant, permit holder or licensee, (hereinafter referred to as the Permit Holder) agrees with the Iowa Department (hereafter referred to as Department) that the following stipulations and those special requirements as listed on this page shall govern under this permit.

A. General

1. The installation shall meet the requirements of local municipal, county, state, and federal Iowa franchise rules and regulations, regulations and directives of the Iowa State Commerce Commission; the Department of Natural Resources, all rules and regulations of the Department and any other laws or regulations applicable.
2. The Permit Holder shall be fully responsible for any future adjustments of the facilities within the established highway right-of-way caused by highway construction or maintenance operations.
3. Non-compliance with any of the terms of the Department's policy, permit or agreement, may be considered cause for shut-down of utility construction operations or withholding of relocation reimbursement until compliance is assured, or revocation of the permit. The cost of any work caused to be performed by the State in removal of non-complying construction will be assessed against the Permit Holder.
4. The work described in this permit shall be completed as proposed in compliance with the stipulations and special requirements within one year from the date Department approval is received for said request. Failure on the part of the Permit Holder to abide by the stipulations or in constructing the work described as stipulated and within the time frame stated shall render this agreement and request null and void. The Permit Holder also agrees to save the State of Iowa and the Department harmless of any damages or losses that may be sustained by any person, or persons, on account of the conditions and requirements of this agreement.

B. Construction and Maintenance

1. The location, construction and maintenance of the utility installation covered by this application shall be in accordance with the current Department's Utility Accommodation Policy.
2. Before beginning any work in the highway right-of-way, it is the responsibility of the Permit Holder to obtain an easement from the drainage district if necessary. The Department assumes no responsibility for advising the Permit Holder of each location of a drainage district crossing. It is the Permit Holder's responsibility to locate these crossings and obtain any necessary easements or permission from the drainage district. See Code of Iowa, Chapter 468 for additional information.
3. A copy of the approved permit shall be available on the job site at all times for examination by Department officials.
4. All traffic control including sign placement and flagging are the responsibility of the Permit Holder. The original placement of signs and their removal upon completion of the work shall be accomplished by the Permit Holder.
5. Operations in the construction and maintenance of said utility installation shall be carried on in such a manner as to cause minimum interference to or distraction of traffic on said highway.
6. After November 24, 2008, all personnel in the highway right-of-way shall wear ANSI 107 Class 2 apparel at all times when exposed to traffic or construction equipment.

C. Liability

1. The Permit Holder shall indemnify and save harmless the State of Iowa, its agencies and employees, from any and all causes of action, suits at law or in equity, for losses, damages, claims or demands, and from any and all liability and expense of whatsoever nature, arising out of or in connection with the Permit Holder's use or occupancy of the public highway.
2. The state of Iowa and the Department assume no responsibility for damages to the Permit Holder's property occasioned by any construction or maintenance operations on said highway if Permit Holder has been notified in accordance with stipulation number D.3. or if the facilities are not located in accordance with this permit.
3. The State of Iowa, its agencies or employees, will be liable for expense incurred by the Permit Holder in its use and occupancy of the highway right-of-way only when negligence of the State, its agencies or employees, is the sole proximate cause of such expense. Whether in contract, tort or otherwise, the liability of the State, its agencies and employees, is limited to the reasonable, direct expense to repair damaged utilities, and in no event will such liability extend to loss of profits or business, indirect, special, consequential or incidental damages.

D. Notification

1. The Permit Holder is responsible for contacting Iowa One-Call (1-800-292-8989) and request the location of any underground utilities forty-eight (48) hours before excavation. Before beginning work in the highway right-of-way, the Permit Holder shall also contact any other known utility located in the area of the proposed work.
2. The Permit Holder agrees to give the Department forty-eight hours notice of its intention to start construction or to perform routine maintenance on the highway right-of-way. Said notice shall be made to the contact person whose name is shown on this page.
3. The Department shall give the Permit Holder at least forty-eight hours notice of any proposed construction or maintenance work, on either existing or newly acquired right-of-way when the proposed work will be ten feet of a utility location as previously approved by the Department by permit or written agreement. The Permit Holder shall be responsible within this timeframe to arrange to protect its facilities.

Disclosure Statement: The information furnished on this form will be used by the Department of Transportation to determine approval or denial of the application. Failure to provide all information will result in denial of the application. Information furnished is public information and copies may be provided to the public upon request.