

ROAD MAINTENANCE PERMIT FOR PRIVATE ENTITIES

MOFFAT COUNTY ROAD DEPARTMENT
P. O. BOX 667, 822 E. 1ST STREET
CRAIG, CO 81626
(970) 824-3211

Road No. _____
Date Issued _____
Bond No. _____
Date of Expiration _____

In order to facilitate the maintenance of a County road, Moffat County may allow a private individual or company to perform maintenance on all or part of a County road. No person shall perform work on a County road without first obtaining a Road Maintenance Permit for Private Entities from the Moffat County Road Department (Road Department). The County shall determine at its discretion which county roads it will allow a private individual or company to maintain. Granting of this permit does not grant exclusive use of the county roads. The requirements and procedures set forth herein and in the Policies and Procedures should be considered the minimum and additional information or criteria may be applied. (Please refer to Moffat County Road Department Policies and Procedures, Road Maintenance Permit for Private Entities.)

The intent of this policy is to preserve and protect the integrity of the county roads. The intent is not to make private enterprise financially responsible for upgrading county roads, rather to protect the county roads in their existing condition for the safety and welfare of the traveling public. The purpose of this policy is not to place the financial burden on county taxpayers for repairing damaged county roads due to the applicant's use.

PERMIT FEE: \$250.00

APPLICANT: _____
MAILING ADDRESS: _____
TELEPHONE _____

Applicant hereby requests authority to maintain (blade, plow snow, etc.) Moffat County Road Number _____ from Mile Marker _____ to Mile Marker _____ for a total distance of _____. The reason the applicant is requesting permission to maintain (blade, plow snow, etc.) _____

Type of equipment to be used to 1) Blade road _____ 2) Plow snow _____

Name of person responsible for road maintenance _____

Names and mailing addresses of property owners located along proposed route:

Attach a map or sketch designating portion of road to be maintained.
Time period for which permit is being requested _____

This request shall expire on _____ . (Not to exceed one year from date of issue.)

Upon receipt of the Road Maintenance Request, an authorized representative from the Road Department and the private entity requesting permission to maintain a county road shall meet on-site to evaluate the condition of the road. The Road Department shall prepare a report, which will address the following:

- 1. An assessment of the condition of the road including width, base, drainage, fencing, etc.
- 2. A recommendation of the type of equipment required to maintain the road (i.e. snow removal, blading, and etc.)
- 3. An assessment of safety considerations involved with the request.
- 4. A statement of any general public benefit served by maintaining requested road.
- 5. An assessment of any negative impact that might result from performing maintenance on requested road.

The County may require that reasonable improvements and repairs be made to the road necessary for public safety and to protect and preserve the road. Such improvements or repairs shall be negotiated between the County and the private entity.

Maintenance of a county road shall be done in a manner to preserve and protect roads during the term of the agreement and to the extent necessary to insure safe and efficient transportation and to prevent excessive erosion damage to roads or streams.

Adopted by Resolution 2005-114 on December 6, 2005.

Maintenance work may include but not be limited to: blading, surface replacement, dust abatement, spot repairs, slide removal, ditch cleaning, culvert cleaning, brush removal, litter cleanup, weed control and snow removal. This includes staying within the county right-of-way, not leaving windrows or berms on county road and signage in accordance with MUTCD regulations. Snow removal work shall include removal of snow from all the traveled way, including sufficient turnouts for safe and efficient use for transportation and leaving culvert inlets in a natural condition without snow or other material plowed into them to allow for drainage. A snow pack of 2" minimum must accumulate before roads are plowed. If sanding is required, sanding material must be approved by the Road Department and road must be sanded adequately as needed for the safety of the traveling public. No sand/salt shall be used on a gravel road.

Applicant must notify the Road Department before any maintenance or snow plowing commences and notify the Road Department at least five days in advance before ceasing maintenance.

Moffat County may require adequate financial security to secure performance according to this policy. The amount of security required will be relative to the distance being maintained and the surface of the road.

Vehicles and equipment used to maintain a county road must be properly licensed and insured to operate in the State of Colorado.

SEE MOFFAT COUNTY ROAD DEPARTMENT POLICIES AND PROCEDURES, ROAD MAINTENANCE PERMIT FOR PRIVATE ENTITIES FOR COMPLETE POLICIES AND PROCEDURES.

The Undersigned Applicant agrees:

INDEMNIFICATION: To the fullest extent permitted by law, Applicant agrees to defend, hold harmless, and unconditionally indemnify Moffat County, and all of their respective officers, directors and employees, against and for all liabilities, costs and expenses including attorney's fees and expenses of investigation, claims and damages which Moffat County may at any time suffer or sustain or become liable for by reason of any accidents, damages or injuries (including injuries resulting in death) either to the persons or property, or to any other parties, in any manner caused by or resulting from Applicant's breach of this Request or acts or failures to act by Applicant or its employees or agents in the performance of the Request; provided, however, that such indemnification and hold harmless shall not apply to claims for loss, damage, injury, or death to the extent caused by the negligence of Moffat County. Moffat County shall continue to be responsible, to the extent provided by law, for claims for loss, damage, injury or death that are caused by the deliberate acts or negligence of Moffat County, provided however that Moffat County has not waived and by this Permit Request, is not waiving any right to governmental immunity or limitation of liability that it is afforded under the Colorado Governmental Immunity Act.

That the Applicant has read and understands all of the foregoing requirements, restrictions and conditions, and attached Policies and Procedures and agrees to maintain the road to the minimum standards as outlined in the attached Policies and Procedures.

That the applicant understands that Applicant is obligated to the Board of Moffat County Commissioners to fully and faithfully abide by and perform all of the foregoing requirements, restrictions and conditions. In performing the maintenance work authorized under the requested Permit, Applicant agrees and understands that Applicant is not an agent, representative or employee of Moffat County, and shall not be construed as an agent, representative or employee of Moffat County. Moffat County in its sole discretion, reserves the right to terminate this Request at any time upon written notice to Applicant mailed regular mail, postage prepaid to the Applicant at the address shown herein. Said notice shall be effective upon mailing. Moffat County may also serve said notice on Applicant personally or by leaving a copy of said notice at Applicant's place of business or home.

FEES:
_____ \$250.00 Permit Fee \$ _____
_____ Financial Security Required Amount \$ _____

I (WE) THE UNDERSIGNED, HERewith ACCEPT THE TERMS AND CONDITIONS OF THE REGULATIONS AS LAID DOWN BY THE COUNTY OF MOFFAT AND AGREE TO FULLY COMPLY THEREWITH TO THE SATISFACTION OF MOFFAT COUNTY AND THE MOFFAT COUNTY ROAD DEPARTMENT.

APPLICANT _____ REP. NAME (PRINT) _____
SIGNATURE _____ DATE _____ PHONE NUMBER _____

PERMISSION IS HEREBY GRANTED BY THE MOFFAT COUNTY ROAD DEPARTMENT TO APPLICANT FOR THE REQUEST DESCRIBED IN THE ABOVE APPLICATION SUBJECT TO THE TERMS AND CONDITIONS SET FORTH IN SAID APPLICATION.

BY _____ DATE _____
TITLE _____ PHONE NUMBER _____

Comment [LD1]:

**MOFFAT COUNTY
ROAD DEPARTMENT
POLICIES AND PROCEDURES**

ROAD MAINTENANCE PERMIT FOR PRIVATE ENTITIES

The purpose of this policy is to outline the procedures and criteria by which Moffat County will consider requests presented to perform maintenance on a Public Road under the County's jurisdiction by a private individual or company.

The intent of this policy is to preserve and protect the integrity of the county roads. The intent is not to make private enterprise financially responsible for upgrading county roads, rather to protect the county roads in their existing condition for the safety and welfare of the traveling public. The purpose of the policy is not to place the financial burden on county taxpayers for repairing damaged county roads due to the applicant's use.

The requirements and procedures set forth herein and in the request should be considered the minimum and additional information or criteria may be applied. In order to facilitate the maintenance of a road that might not otherwise be maintained on a regular basis, the Moffat County Road Department (Road Department) may allow a private individual or company to maintain all or part of a County Road. The County shall determine at its discretion which county roads it will allow a private individual or company to maintain. Granting of this permit does not grant exclusive use of county roads.

The Road Department Director shall have the discretion to waive the permit fee for a one-time minor repair to a county road that is in the best interests of Moffat County.

No person shall perform work on a County road without first submitting a Road Maintenance Permit for Private Entities to the Moffat County Road Department. The written permit will include at a minimum:

1. The name and/or number of the road to be maintained.
2. A map designating the portion of the road to be maintained.
3. The distance in miles to be maintained privately.
4. Type of equipment to be used to maintain the road.
5. Name of the person(s) responsible for maintaining the road.
6. Names and mailing addresses of property owners located along the proposed route.
7. Reason the plowing is being requested.
8. The time period for which the permit is being requested.

Upon receipt of the Request, an authorized representative from the Road Department and the private entity requesting permission to maintain a county road shall meet on-site to evaluate the condition of the road. The Road Department shall prepare an evaluation report, which will address the following:

1. An assessment of the condition of the road including width, base, drainage, fencing, etc.
2. A recommendation of the type of equipment required to maintain the road (i.e. snow removal, blading, etc.).
3. An assessment of safety considerations involved with the request.
4. A statement of any general public benefit served by maintaining requested road.
5. An assessment of any negative impact that might result from performing maintenance on requested road.

The County may require that reasonable improvements and repairs be made to the road necessary for public safety and to protect and preserve the road. Such improvements or repairs shall be negotiated between the County and private entity.

Upon review of the Road Maintenance Permit, Moffat County may require adequate financial security to secure performance according to this policy. The amount of security required will be relative to the distance being maintained and the surface of the road. Financial security may include a certificate of deposit issued in the name of Permittee and Moffat County, escrow account with a reputable Bank or Financial Institution; escrow account with Moffat County, an irrevocable bond or Letter of Credit backed by a reputable bank or financial institution issued in the name of Permittee and designating Moffat County as beneficiary.

Adopted by Resolution 2005-114 on December 6, 2005.

Paved Roads	\$10,000 / Mile
Gravel Roads	\$ 5,000 / Mile
Dirt Roads	\$ 1,000 / Mile

The company/company representative requesting permission to maintain a County road indicates that he/she has read, understands and agrees to comply with the conditions set forth in this policy and with the conditions of a permit if one is issued.

The company/company representative agree that all materials, performance, and quality of work shall conform to the requirements of the most current edition of the Department of Transportation, State of Colorado, Standard Specifications for Road and Bridge Construction and the Moffat County Road Department Specifications, as amended from time to time. In the event there is a conflict between the various reference specifications, the Director of the Moffat County Road Department shall be the final authority on the meaning and interpretation of all specifications.

Maintenance of the county road shall be done in a manner to preserve and protect roads during the term of the agreement and to the extent necessary to insure safe and efficient transportation and to prevent excessive erosion damage to roads or streams. For the purposes of this policy, maintenance work may include: blading, surface replacement, dust abatement, spot repairs, slide removal, ditch cleaning, culvert cleaning, brush removal, litter cleanup, weed control, and snow removal.

Maintenance work, such as blading, surface replacement, dust abatement, spot repairs, slide removal, ditch cleaning, culvert cleaning, brush removal, litter clean up and weed control, shall include: (1) staying within the county right-of-way, (2) not leaving windrows or berms on the county road and (3) signage in accordance with MUTCD regulations.

Snow removal work shall include: (1) Removal of snow from all the traveled way, including sufficient turnouts for safe and efficient use for transportation and (2) leaving culvert inlets in a natural condition without snow or other material plowed into them so the drainage system will function normally.

Applicant shall perform road maintenance work as follows:

1. No one shall perform maintenance or snow removal on a County road without first receiving written permission from the Moffat County Road Department (Road Department).
2. The Road Department Director, or his representative, and the Applicant shall meet on-site to evaluate road conditions before maintenance begins. The County may require that reasonable improvements and repairs be made to the road necessary for public safety and to protect and preserve the road. Such improvements or repairs shall be negotiated between the County and the private entity.
3. All debris, except snow and ice, which is removed from the road surface and ditches shall be deposited away from stream channels at agreed upon locations.
4. All road hazards shall be removed from the road and road right-of-way immediately.
5. The back slope bank shall not be undercut nor shall gravel or other surfacing material be bladed off the road.
6. Ditches and culverts shall be kept functional during and upon completion of maintenance operations. Any damage done to ditches and culverts which impair their proper use shall be immediately repaired or replaced by the Applicant at the sole cost and expense of the Applicant.
7. Once snow plowing begins, Applicant must plow each time there is a storm that deposits enough snow to cause the road to be impassable to the types of vehicles normally using the road. A snow pack of 2" minimum must accumulate on the road prior to plowing snow.
8. "Snow Berm" is herein defined as a dike of snow resulting from the Applicant's snow removal operations, which extends above the surface of the traveled way. Applicant shall space, construct, and maintain drainage holes in the Snow Berms as necessary to obtain surface drainage and without discharge on eroding fills. In any event, Applicant shall remove Snow Berms or construct drainage holes at the end of winter operations, or before the spring breakup, whichever is sooner.
9. Equipment used to plow snow shall be equipped with shoes or runners to keep the blade a minimum of two inches above the road surface, unless agreed otherwise by both parties. Moffat County reserves the right to inspect equipment that will be used for plowing before plowing begins and anytime during the plowing interval.
10. The Applicant must purchase and install a warning sign notifying the public there is "PRIVATE MAINTENANCE BEYOND THIS POINT". The Applicant shall install a sign just off the intersection so the sign is visible from the intersecting road. The sign must be mounted on a steel signpost or a wooden post not to exceed four (4) inches square in size. The Applicant is responsible for obtaining utility location information before installing the sign. The near edge of the sign must be a minimum of 12 feet from the edge of the traveled portion of the road. The

Adopted by Resolution 2005-114 on December 6, 2005.

sign must be installed so the height distance from the level edge of the road to the bottom edge of the sign is five (5) feet.

11. Where required the Applicant shall plow a trailhead at the location designated and approved by the County that is large enough to park 2-3 pickups and trailers belonging to others who might be using the area. It must be plowed to facilitate turning a pickup and trailer around if needed.
12. No cleated or track equipment shall be used on equipment traversing roads which will damage road surface.
13. The Applicant must give the Road Department at least five working days advance notice before ceasing maintenance.
14. Adequate financial security may be required to mitigate any damage caused by road maintenance.
15. Vehicles and equipment used to maintain a county road must be properly licensed and insured to operate in the State of Colorado pursuant to the following: the Applicant shall purchase and maintain such insurance as will protect them from claims set forth below which may arise out of or result from the APPLICANT'S operations under the Permit, whether such operations by themselves or by any subcontractor or by anyone directly or indirectly employed by any of them, or by anyone for whose acts any of them may be liable:
 - a) Claims under Workman's Compensation, disability benefits, and other similar employee benefit acts;
 - b) Claims for damage because of bodily injury, occupational sickness, disease, or death of their employees and claims insured by usual personal injury liability coverage;
 - c) Claims for damage because of bodily injury, sickness or disease, or death of any person other than their employees, and claims insured by usual personal injury liability coverage; and
 - d) Claims for damages because of injury to or destruction of tangible property, including loss of use resulting there from.

Insurance covering claims for damages to persons or property required by the proceeding paragraph shall be in the following amounts:

Bodily Injury Liability:	Each Person:	\$1,000,000
	Each Accident	
	Or Occurrence:	\$1,000,000
Property Damage Liability:	Each Accident	
	Or Occurrence:	\$1,000,000
	Aggregate:	\$1,000,000

And shall be furnished in types as specified, as follows:

- a) APPLICANT'S Liability Insurance issued to and covering the liability for damage imposed by law upon the Applicant and each subcontractor with respect to all work performed by them under the Agreement (Road Maintenance Permit For Private Entities).
- b) APPLICANT'S Protective Liability Insurance issued to and covering the liability for damages imposed by law upon the Applicant with respect to all work under the Agreement (Road Maintenance Permit For Private Entities) performed for the Applicant by subcontractors.
- c) Completed Operations Liability Insurance issued to and covering the liability for damages imposed by law upon the Applicant and each subcontractor arising between the date of final cessation of the work and the date of final acceptance thereof out of that part of the work performed by each.
- d) Comprehensive Automobile Insurance shall be carried in the amount of \$500,000/\$1,000,000 for bodily injury and \$500,000 for property damage, each occurrence. All liability and property damage insurance required hereunder shall be Comprehensive General and Automobile Bodily Injury and Property Damage form of policy.
- e) The Applicant shall in addition, and in the amounts required above, obtain protective Liability Insurance to and covering the liability for damages imposed by law upon Moffat County with respect to all operations under the Permit by the Applicant or his subcontractors.

COMPREHENSIVE RISK POLICY OPTION: In lieu of the several policies specified for APPLICANT'S Liability Insurance, a comprehensive liability and property damage insurance policy inclusive of all the insurance's and requirements hereinafter set forth, with an umbrella covering \$1,000,000, subject to the approval of the Road Department will be permissible.

SUBCONTRACTOR'S INSURANCE: Before permitting any of their subcontractors to perform any work under the permit, Applicant shall either (1) require each subcontractor to procure and maintain, during the life of their subcontracts, Subcontractor' Public Liability and Property Damage Insurance of the types and in amounts as may be applicable to their

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work, which types and amounts shall be subject to the approval of the Road Department, or (2) insure the activities of Applicant's subcontractors in their own policy.

CERTIFICATES OF INSURANCE: Certificates of Insurance acceptable to the Road Department shall be filed with the Road Department prior to commencement of the work. These Certificates shall contain a provision that coverage's afforded under the policies will not be cancelled until at least 15 days prior written notice has been given to the Road Department. Applicant shall not permit any of their subcontractors to start work until all required insurances have been obtained and certificates with the proper endorsements have been filed with the Applicant and Road Department.

Failure of the Applicant to comply with the foregoing insurance requirements shall in no way waive Moffat County's rights hereunder.

MOFFAT COUNTY'S LIABILITY INSURANCE: Moffat County, at their option, may purchase and, maintain such liability insurance as will protect the County against claims which may arise from operations under this Permit. Purchasing and maintaining such insurance, however, will not relieve the Applicant from purchasing and maintaining the insurance's herein before specified.

The term of a Road Maintenance Permit shall be for one year and may, upon request, be renewed annually by the Road Department. The County may impose other requirements and restrictions as necessary.

An inspection will be conducted at the end of the snowplow season when the snow is off the road. The Road Department shall notify the Applicant in writing if surface material has been bladed off the road. The notice shall state the number of road miles (rounded up to the next .01 mile), and the cubic yard equivalent of surfacing bladed off. The calculations of the cubic yards will be available for review. In the event the Applicant is plowing a road with an asphalt surface, any damage done to that surface will be evaluated and a clearly documented bill will be sent to the Applicant. The Applicant will also be advised of damage to any culverts or other structures.

THE APPLICANT SHALL BE LIABLE FOR ANY DAMAGE TO THE ROAD SURFACE CAUSED BY APPLICANT'S MAINTENANCE OPERATION. Upon such notice, at the sole cost of the Applicant, the County shall repair and/or replace the surface material and bill the Applicant for all materials including labor and equipment costs.

APPLICANT MUST NOTIFY THE ROAD DEPARTMENT BEFORE ANY MAINTENANCE OR SNOW PLOWING COMMENCES AND NOTIFY THE ROAD DEPARTMENT AT LEAST FIVE DAYS IN ADVANCE BEFORE CEASING MAINTENANCE.

The County shall exercise its' appropriate, lawful authority to ensure compliance with the Road Maintenance Permit by Private Entities. Nothing in this policy is, or shall be construed to be, an obligation of Moffat County to permit the private maintenance of any particular road. A penalty may be assessed for any company performing work on a county road without a permit.