

BK 14
Pg 254

IN THE OFFICE OF THE PULASKI COUNTY JUDGE

IN THE MATTER OF SETTING FORTH PRACTICES,
PROCEDURES, RULES AND REGULATIONS TO CONTROL
AND REGULATE THE USE AND OCCUPANCY OF COUNTY
STREETS, ROADWAYS AND RIGHTS-OF-WAY BY A
PRIVATE OWNER, OPERATOR, UTILITY, CONTRACTOR,
OR ANY OTHER ENTITY AND PROVIDING FOR THE
ISSUANCE OF PERMITS AND FOR OTHER PURPOSES IN
PULASKI COUNTY ARKANSAS

FILED 05/09/16 14:34:18
Larry Crane Pulaski Circuit Clerk

NO. 2016-0097

EXECUTIVE ORDER

Recognizing the need for Pulaski County streets, roads, county roads and rights-of-ways to be protected from damage by improper use and occupancy; and, whereas, unregulated use and occupancy of Pulaski County roadways and rights-of-way by private owners, operators, utilities, contractors, and other entities has caused problems and expense to the citizens of Pulaski County, IT IS ORDERED THAT THE FOLLOWING PUBLIC ROADS ACCOMMODATION AND ADJUSTMENT POLICY IS ADOPTED FOR PULASKI COUNTY.

Article 1. Executive Order No. 81-9, filed with the Pulaski County Circuit Clerk on April 14, 1981, is hereby repealed and replaced in its entirety with this Executive Order. However, any existing projects that are ongoing as of the date of this Order, and only those projects, will be governed by Executive Order No. 81-9.

Article 2. If any part of this Executive Order is held invalid, such invalidity shall not affect any other portion of this Executive Order.

Article 3. Any Pulaski County Ordinance or Executive Order in conflict with this Executive Order is hereby repealed.

Article 4. PURPOSE AND SCOPE

4.1. It is the desire of the Pulaski County Judge, in consultation with the Pulaski County Road and Bridge Department ("PCRBD"), to proscribe the policies,

procedures, terms and conditions for, and relating to, the accommodation, installation, adjustment, relocation, maintenance and removal of facilities on all public streets, public right-of-ways and other public property ("public roads"), within Pulaski County.

- 4.2. The PCRBD is authorized to issue rules, regulations and specifications, and to revise those rules, regulations and specifications, as deemed necessary for regulating the location, methods, and design for accommodating, installing, adjusting, relocating, maintaining and removing utilities on, over, under, across or occupying county road rights-of-way and/or property pursuant to all applicable federal, state or local laws, regulations or ordinances.
- 4.3. The PCRBD is authorized to issue permits and enter into agreements to provide for the accommodation, adjustment, relocation, maintenance or removal of utilities on county road right-of-ways and property to cover existing and to provide for future joint use and occupancy of county road and utility right-of-ways and/or properties by both county road and utility facilities on, over, under or across the same lands and under coincident property rights or interests.
- 4.4. Pulaski County, by and through the PCRBD, is lawfully exercising its police powers in promulgating the rules and regulations pertaining to supervision of construction and control of the public road and rights-of-way contained in this Order.

Article 5 DEFINITIONS

5.1 Excavation and Construction

- A. Installation, repair and replacement over, upon, or beneath public roads within the unincorporated county limits, of:
 - i. driveways;
 - ii. sidewalks;
 - iii. public utilities;
 - iv. other utilities; and,
 - v. other projects involving construction activities.

5.2 Road cut work

- A. Work done to or through the actual road surface or curb and gutter section.

5.3 Minor repairs

- A. Work personally performed by property owners to existing sidewalks or Driveways located on public streets abutting their property
 - i. Minor repairs include, but are not limited to, the following:
 - a. crack repair;
 - b. removal and replacement of existing driveways to the same line and grade; or,
 - c. resurfacing.
 - ii. Minor repairs do not include street or curb cut work.

5.4 Routine maintenance

- A. Periodic repair or replacement of existing utility poles, transformers, cables and similar facilities.
- B. Routine maintenance does not include street or curb cut work.

Article 6 APPLICATIONS

- 6.1 The principles set forth in this Executive Order shall apply to all private owners, operators, utilities, contractors, or any other entities, of all utility lines, facilities, and systems for producing, transmitting, or distributing communications, electric power, gas, oil, petroleum products, chemicals, water supply, steam, heat, waste, sewage, irrigation water, storm water not connected with county road drainage, street and county road lighting and other similar commodities and services, including, but not limited to, railroads, publicly owned fire and police signal communications systems, community television antenna cable systems and street sign or traffic control systems which directly or indirectly serve the public or any part thereof.
- 6.2 Those entities referenced in Section 5.1 shall hereafter be required to secure a written permit or, in urgent situations, to obtain advance approval for the issuance of a written permit from the PCRBD, prior to performing any work in the installation, construction, maintenance, repair, restoration, rehabilitation, relocation or removal of any utility lines, facilities or systems where the roadway, shoulders, right-of-way or traffic will be affected by the work operations or by the new facility occupation.

Article 7 TERMS AND PROCEDURES (PERMITS AND AGREEMENTS)**7.1 General Considerations**

- A. The essential need of the public to be served by private owners, operators, utilities, contractors, or any other entities that provide utility services, or enable utility services to be provided, is recognized. This is most easily accomplished by using roadway right-of-ways for utility placement. The Pulaski County Master Road Plan Ordinance ("Plan"), as implemented, will provide adequate space for utilities and roadways for all functional classifications:
- B. All private owners, operators, utilities, contractors, or any other entities such as Special Improvement Districts are hereby notified that Pulaski County will reconstruct its roads according to the Plan and when a private owner, operator, utility, contractor, or any other entity elects to perform construction in an existing right-of-way, it shall be the sole responsibility of the private owner, operator, utility, contractor, or any other entity involved to relocate and/or reconstruct the Utility at no expense to Pulaski County, when so requested by Pulaski County.
- C. Future utility installations should be planned to minimize future relocations
- D. Plans for major construction projects or extensive maintenance replacement projects by a private owner, operator, utility, contractor, or any other entity in Pulaski County, whether in Pulaski County right-of-ways or not, must be submitted to the PCRBD.
- (i) The following are a non-exclusive list of examples of the types of projects that must be submitted to the PCRBD:
- (a) Projects that involve high-volume water or sewer installations servicing an entire community; and,
- (b) Major cross-county high voltage electrical transmission lines.

7.2 Application for Permit

- A. The following must be done for a permit to be issued for any excavation, construction and street curb work on public streets within the unincorporated county limits, including utility construction, maintenance or related work on a Pulaski County right-of-way property:

- (i) A written application shall be filed with the PCRBD which clearly describes the proposed facility installation, construction or work.
 - (a) The written application shall establish the location of the work with reference to the following:
 - (I) Existing right-of-way lines;
 - (II) Public Lands Survey Systems Ties (Section or Quarter Sections Corners);
 - (III) A well-known permanent landmark;
 - (IV) Road or street intersection;
 - (V) County road bridge; or,
 - (VI) A fixed reference point.
 - (b) The written application shall consist of a complete description of the facility and sketch or plans which show the existing and/or proposed location of the facilities within the county road right-of-way in relation to the existing and/or proposed location of the planned county road improvement, the traveled way and right-of-way lines
 - (c) The written application shall be signed by an official having contractual authority for the private owners, operators, utilities, contractors, or any other entities or by the owner of the Facility.
- B. All permits shall constitute a binding contract.
 - (i) Any verbal or unsigned requests for utility permits will not be valid
- C. A permit may be withheld until a proper application is received and approved.

7.3 Approval and Issuance of Permit

- A. All permits, issued pursuant to this Order ("Permit"), shall be issued to the permanent owner, operator of the facility, or company/contractor performing the installation or construction work.
 - (i) The permit shall not be issued to the temporary agent or engineer handling the preparation of the permit for the permanent owner,

operator of the facility, or company/contractor performing the installation or construction work, except:

- B. Permits may be issued to a private individual upon request for a single water or sewer connection to a residence or small business.
 - i. Applications submitted by individuals for permits for single sewer connections shall include design and location information as required by the PCRBD
 - ii. When a Permit is issued to a private individual, all work must be performed by licensed contractors who have been certified by the Arkansas Contractors Licensing Board.
- C. Applications and fees for a Permit are submitted to the PCRBD.
- D. Permits shall be approved or denied within ten (10) working days
 - i. Permits will not be approved or denied within ten (10) working days if the application is for a major trunkline construction permits.

7.4 Deposit or Bond

- A. Pursuant to the authority of the applicable Arkansas statutes, a Performance Security Bond ("Bond"), a deposit or bond which acts as a guarantee of restoration of county road right-of-way or property, shall be required in an amount sufficient to cover costs that may be incurred by Pulaski County in making repairs or restoration to its right-of-way or property if such satisfactory repair or restoration is not made by the applicant.
- B. The amount of deposit or bond shall represent the best judgment and estimate of the PCRBD of the actual cost that might be incurred to restore the county road to its original condition.
- C. If required, the Bond, as determined by the PCRBD Director, shall accompany the application the Permit fee.
 - i. The minimum amount of the Bond shall be \$1,000 for each road cut or bore under the road surface.
- D. The Bond shall be prepared to expire, at a minimum, six (6) months after work is completed, to allow for evaluation of the replaced area's ability to withstand weather and traffic conditions.

- E. Cash deposits will be returned to applicants upon satisfactory completion of utility construction and a final inspection by the PCRBD.
- F. The PCRBD is authorized to permit other forms of security to be utilized, including, but not limited to:
 - i. standing bonds,
 - ii. irrevocable letters of credit; and,
 - iii. blanket bonds.

7.5 Fees

- A. A permit fee, as set forth in Pulaski County Ordinance _____, shall be paid before a permit is issued
- B. A permit shall be required to do the following:
 - i. excavation or construction necessary for a single connection;
 - ii. driveway and adjoining sidewalk; or,
 - iii. a cut for installing facilities.
- C. No permit fee shall be required for minor repairs, routine maintenance and initial installation of public improvements within new subdivisions.

7.6 Acceptance of Permit

- A. The start or performance of any work under a permit shall constitute full understanding and acceptance of the agreement and shall represent the express intention and obligation of the private owners, operators, utilities, contractors, or any other entities to comply with the terms and provisions thereof, and of all conditions of the Permit.
- B. Any request for waiver of the requirements of this ordinance shall be submitted in writing to the PCRBD
 - i. The applicant shall not proceed with any action requiring a waiver unless they receive written action on their request.

7.7 Liability Indemnity

- A. Permit holders shall indemnify and hold harmless Pulaski County, its officials and employees in all respects from any and all losses, damages or injury to persons or property resulting in any manner from any negligent act or omission in

connection or associated with their work, operations, occupancy or use of Pulaski County roads or right-of-way property.

7.8 Permit to be Kept on Job

- A. The approved permit, or a copy, shall be kept at the work-site, while work is ongoing and shall be shown to representatives of Pulaski County upon request.
- B. Failure to furnish such proof or have approval for the issuance of a permit shall result in stoppage of the work until the issuance of a permit or approval for the issuance of a valid permit is confirmed.
- C. The burden of proof regarding confirmation shall be on the party, company or contractor performing the work or the Utility owner responsible for the work.

7.9 Emergency Repairs

- A. Emergency repairs without a permit may be commenced if:
 - i. When obtaining a permit prior to starting repairs is impractical due to it being an emergency situation, and the person or entity performing the work makes a reasonable effort to inform the PCRBD directly, either before or after repairs begin.
- C. The person or entity performing the work shall immediately forward a letter of explanation to the Department with a permit request.
- D. Attachments may be permitted in the following circumstances:
 - i. Where the proposed attachments are determined to be in the public interest;
 - ii. The proposed attachments will not impair the county road structure;
 - ii. The attachment meets all other criteria as set forth in this Order; and,
 - iv. The method and manner of attachment is approved by the PCRBD.
- E. The PCRBD may cancel any agreement for bridge or county road structure attachment for cause.
 - i. If the agreement is canceled for cause, the private owner, operator, utility, contractor, or other entity may have a reasonable time to make other arrangements to continue utility service.

7.10 Trenched Construction and Backfill

- A. the following shall meet the mandatory design standards outlined in Attachment I:

- i. Restoration of utility construction in county roads which are currently paved with hot mix asphaltic concrete, double bituminous surface treatment, chipseal, concrete, gravel, or dirt.
- ii. All backfill shall be compacted by mechanical means in lifts of 6 inches or less to a density of at least 95% modified proctor.

7.11 Untrenched Construction

- A. Untrenched construction shall be required for all new and/or replacement pipeline crossings of existing county roads.
- B. Boring will be the primary means of traversing below all roadbeds for utility installation when:
 - i. It is consistent with the operation being performed; and,
 - ii. Geologic conditions permit.

7.12 Location and Alignment

- A. The angle of crossing shall be as near to right angles to the county road alignment as practical.

Article 8 – PAVING CUTS

8.1 Permit Required

- A. A permit, as referenced in Article seven (7), is required before a cut can be made to a right-of-way of any public county road located in Pulaski County.
- B. Three unsuccessful bore attempts on size four (4) inch and smaller pipe must have been made in the vicinity before any road cuts will be permitted. Road cuts of any pipe greater than four (4) inch will be up to the discretion of the PCRBD Director.
 - i. As contemplated by 7.8(A), when a paving cut is made in an emergency situation, a reasonable effort shall be made to inform the PCRBD directly, either before or after repairs begin.

8.2 Backfill and pavement repairs

- A. After the work for which the cut was made has been completed, the backfill and pavement repairs shall be made in accordance with the specifications provided Article seven (7) of this Order.

8.3 Approval required for road closing

- A. Any road where a cut is being made shall be left open while the work is in progress.
- B. Blocking or barricading the road will not be permitted without the prior approval of the PCRBD.
 - i. Upon approval, the PCRBD shall notify the Pulaski County Sheriff's Department and the local fire department, if there is one.
- C. If the work poses the potential for being a public hazard, signs signifying the hazard shall be exhibited.
 - i. Amber caution lights shall be maintained on the excavation from dusk until daybreak
 - ii. Lights shall be maintained on machinery or other equipment left on the road where the cut is made.

8.4 Inspection of backfill by road superintendent or designee

- A. The Pulaski County Road Superintendent ("PCRS") or their designee shall be notified and approve the backfill, before the backfill begins.
 - i. The PCRS or their designee will supervise the inspection of the backfill
- B. The contractor must complete any repairs on the cut within five (5) business days.

8.5 Posting of bond

- A. Section 7.4 of this Order governs the posting of a bond for paving cuts.

8.6 Denial of Permit

- A. A permit may be refused by the Pulaski County Judge or PCRS where just cause is shown and denial of the permit is in the best interest of Pulaski County.

8.7 Permit Fees

- A. Consistent with Pulaski County Ordinance 16-1-40, and Section 7.5 of this Order, all road cut permits shall be a minimum of \$25.00 for each cut.
- B. When a water or sewer improvement district makes multiple cuts, the district will be required to post a bond, as required by and consistent with Section 7.4 of this Order.
- C. The PCRS shall determine the amount of the bond based upon the scope of the project.

- i. When parallel cuts are made, if the PCRS determines the cuts substantially reduce the anticipated life of the road surface, the PCRS may require the contractor, or the owner and contractor, resurface the entire section of the road so that the entire surface is restored to substantially the same condition as it was in prior to cuts being made.
 - a. In making the determination, as contemplated by Section 8.7(C)(i), the PCRS shall consider the following:
 - A. The age of the existing surface; and,
 - B. The space between the cuts and the type of paving surface.
- D. *Boring underneath all roadways shall be required, instead of paving cuts, unless the PCRS determines that boring underneath the roadway is not feasible.*

8.8 Underground utilities

- A. All new underground utilities must be located at least 36 inches below finish grade in all areas of the Right of Way or in any utility or drainage easement.
- B. Three unsuccessful bore attempts on size four inch and smaller pipe must have been made in the vicinity before any road cuts will be permitted. Road cuts for any pipe greater than four (4) inch will be up to the discretion of the PCRBD Director.

Article 9 – DRIVEWAY CONNECTIONS

9.1 If the PCRBD installs a Driveway Connection:

- A. The recipient will pay a permit fee and provide the following:
 - i. \$40.00 per driveway connection.
 - ii. The landowner shall provide a warranty deed or quitclaim deed proving that permit applicant is the landowner.
- B. All proposed driveway connection locations shall be inspected and approved by PCRBD personal before permit will be issued.
- C. The proposed location must be in a safe location, as determined by the PCRBD, and have adequate sight distance, as determined by the PCRBD.
 - i. A sight distance certification from an Arkansas registered Professional Engineer (“PE”) may be required before permit approval.
 - a. Certification by a PE is to be furnished by landowner.

- D. New driveway connections shall conform to the Control of Entry standards as stated in the Plan, Ordinance No. 13-OR-35, as amended from time to time.
- F. All culverts shall be installed to proper grade.
- i. The PCRBD shall determine proper size and number of culverts for each proposed driveway through field inspections, peak flow calculations, or other suitable methods.
 - ii. The PCRBD shall specify culvert material type (e.g., Concrete or Corrugated Metal).
 - iii. The PCRBD shall install culvert to proper slope and verify with optical level or equivalent method
 - a. Minimum culvert diameter shall be 18" (or arch pipe equivalent).
 - b. 15" diameter (or arch pipe equivalent) can be used for special conditions as approved by the PCRBD.
 - c. No culvert smaller than 15" diameter (or arch pipe equivalent) shall be installed in the right-of-way.
- H. The PCRBD shall furnish up to 30 tons of class seven (7) materials for a driveway connection.
- I. The PCRBD shall furnish the necessary equipment and labor to install culvert(s).
- i. The property owner shall furnish the culvert(s) as specified by the PCRBD.
- J. The PCRBD shall conduct no work outside of the county road right-of-way.
- K. Minimum culvert length shall be 20 feet for corrugated metal pipe and 24 feet for reinforced concrete pipe.
- i. The maximum length shall be 40 feet.
- L. Spacing for multiple driveways shall be no closer than five (5) feet.
- M. No portion of the driveway, driveway flare, culvert, or end treatments shall be located on or in front of adjacent properties not belonging to permit applicant.
- N. Rip rap shall be placed at culvert end sections if necessary.
- O. Headwalls shall not be installed in Pulaski County right-of-ways.
- 9.2 If a private landowner will install the Driveway Connection:

- A. The recipient will pay a permit fee and provide the following:
 - i. \$40.00 per driveway connection.
 - ii. The landowner shall provide a warranty deed or quitclaim deed proving that permit applicant is the landowner.
- B. All proposed driveway connection locations shall be inspected and approved by PCRBD personal before permit will be issued.
- C. The proposed location must be in a safe location, as determined by the PCRBD, and have adequate sight distance, as determined by the PCRBD.
 - i. A sight distance certification from an Arkansas registered Professional Engineer ("PE") may be required before permit approval.
 - a. Certification by a PE is to be furnished by landowner.
- D. New driveway connections shall conform to the Control of Entry standards as stated in the Plan, Ordinance No. 13-OR-35, as amended from time to time.
- E. All culverts shall be installed to proper grade.
 - i. The PCRBD shall determine proper size and number of culverts for each proposed driveway through field inspections, peak flow calculations, or other suitable methods. All storm event calculations, stamped by a PE, may be required. Requiring additional storm event calculations from the landowner/developer may be necessary in some instances.
 - ii. The PCRBD shall specify culvert material type (e.g. Concrete or Corrugated Metal).
 - iii. Culvert(s) should be installed to the proper slope.
 - a. Minimum culvert diameter shall be 18" (or arch pipe equivalent).
 - b. 15" diameter (or arch pipe equivalent) can be used for special conditions as approved by the PCRBD.
 - c. No culvert smaller than 15" diameter (or arch pipe equivalent) shall be installed in the right-of-way.
- F. The Property owner shall furnish the culvert(s) as specified by the PCRBD.
- G. The minimum culvert length shall be 20 feet for corrugated metal pipe and 24 feet for reinforced concrete pipe.
 - i. The maximum length shall be 40 feet.

- H. Spacing for multiple driveways shall be no closer than five (5) feet.
- I. No portion of the driveway, driveway flare, culvert, or end treatments shall be located on or in front of adjacent properties not belonging to permit applicant.
- J. A land survey stamped by an Arkansas registered Professional Surveyor ("PS") may be required identifying property boundaries, culvert location, driveway surface, driveway flare, road centerline, road edge, flowline, flowline elevations, culvert invert elevations, and contours at proper intervals.
- K. A complete set of building plans stamped by a PE may be required showing driveway design for portions located in Pulaski County's right-of-way including the following:
 - i. layout, centerline profile, typical cross section, material, design density, and culvert installation detail/typical cross section.
- L. All storm event calculations, stamped by a PE, may be required.
- M. Illegal driveway connection may be removed by the PCRBD and properly reinstalled at the cost of the landowner, with the cost attached to the property tax if not paid within 30 days.
- N. Rip rap shall be placed at culvert end sections if necessary.
- O. Headwalls shall not be installed in the County road right-of-way.

9.3 If the Driveway Connection is for a commercial site

- A. The recipient will pay a permit fee and provide the following:
 - i. \$100.00 per driveway connection; and,
 - ii. The landowner shall provide a warranty deed or quitclaim deed proving that permit applicant is the landowner.
- B. All work shall conform to the Pulaski County Subdivision & Development Code, located at Ordinance Number 09-OR-28, as amended from time to time, and Plan, Ordinance Number 13-OR-35, as amended from time to time.
- C. A survey, stamped by a PS, shall be submitted identifying property boundaries, culvert(s) location, driveway surface, driveway flare, road centerline, road edge, flowline, and contours at proper intervals.

- D. A complete set of building plans stamped by a PE shall be provided showing driveway design for portions located in Pulaski County's road right-of-way including the following:
 - i. layout, centerline profile, typical cross section, material, design density, and culvert installation detail/typical cross section.
- E. Provide all two (2) year, ten (10) year, 25 year, and 100 year, storm event calculations for all proposed drainage structures.
 - i. The calculations will delineate drainage area upstream of proposed new driveway culvert.
 - a. All calculations shall be stamped by a PE.
- F. Culvert requirements:
 - i. All culverts shall be made of reinforced concrete.
 - ii. All culverts shall have a minimum diameter of 18 inches (or equivalent arch pipe).
 - iii. Culverts shall have flared end sections or equivalent.
- G. A standard detailed drawing must be provided for all proposed drainage structures associated with a driveway located in a Pulaski County road right-of-way including the following:
 - i. culverts, riprap, inlets, junction boxes, and curb & gutter.
- H. No portion of the driveway, driveway flare, culvert, or end treatments can be located on or in front of adjacent properties not belonging to permit applicant.
- I. Spacing for multiple driveways shall be no closer than 5 feet.
- J. Illegal driveway connections may be removed by the PCRBD and properly reinstalled at the cost of the landowner, with the cost attached to the property tax if not paid within 30 days.
- K. Rip rap shall be placed at culvert end sections if necessary.
- L. Headwalls shall not be installed in the right-of-way.

Article 10 – PRESERVATION, RESTORATION AND CLEANUP

10.1 Weather and Ground Conditions

- A. The private owner, operator, utility, contractor, or other entity shall not use or cause heavy equipment to be used on soft shoulders or unsurfaced right-of-way

areas during wet or inclement weather in the initial construction or during normal servicing when such use would cause wheel ruts or other damage to the shoulders or unprotected right-of-way areas

- B. The private owner, operator, utility, contractor, or other entity shall repair any ruts or other damage to the right-of-way surface caused by its operations and shall replace or restore aggregate and sod as necessary to the satisfaction of the PCRBD.

10.2 Protection of Roadway Structure

- A. the Utility shall provide adequate protection over any pavement, roadway surfacing, shoulders or county road structure by means of earth cover, timbers or other matting materials approved by the PCRBD before moving or operating any heavy or steel tracked or cleated equipment on or over same.

10.3 Disturbed Area Restoration

- A. The area disturbed by utility construction, maintenance or other work shall be kept to a minimum.
- B. Restoration measures and methods shall conform to Department standards, specifications and/or special provisions in permits and all such restoration and cleanup is subject to the inspection and approval of the PCRBD.
- C. Final restoration inspection shall be conducted by the PCRBD within ten (10) working days of receipt of inspection request from the Utility.

10.4 Drainage

- A. Care shall be taken in utility installations to avoid disturbing existing drainage facilities.
- B. Underground utility installations shall be backfilled with previous material and outlets shall be provided for entrapped water so as to avoid even temporary ponding, or excess sub-base saturation.
- C. Underdrains should be provided where necessary.
- D. No jetting or puddling shall be permitted under the roadway.

10.5 Right-of-Way Clearing and Cleanup

- A. A private owner, operator, utility, contractor, or any other entity shall be prohibited from spraying, cutting and trimming of trees without written permission from the PCRBD.
 - i. Where permission is given:
 - a. only necessary light trimming and selective cutting to maintain normal service is allowed.
 - b. stumps shall either be cut to the ground or removed and the hole or holes properly backfilled, as determined by the PCRBD.
- B. All debris, refuse and waste shall be removed from the right-of-way and should be removed from areas adjacent thereto, so as not to leave an unsafe condition, fire hazard or unsightly appearance.
- C. Road shoulders and right-of-way shall not be used as a storage area for dirt and other debris during construction.
- D. Vegetation control, either defoliation or deadening, by spraying with any type of herbicide, oil solution or poison, shall not be permitted on and/or from any county road right-of-way.
 - i. Vegetation control through the means referenced in 9.5(D), can be accomplished when a written permit is given by the PCRBD.
 - a. No permit or verbal permission will be given where operations on any county road are near any stream or body of water which empties into a permanent flowing stream though merchantable timberland or near residential or other improved area.
 - b. Any exception may be approved and permit issue after evidence is furnished or received of approval by all applicable state and federal agencies, including, but not limited to the Arkansas Pollution Control Commission.

Article 11 – SAFETY AND CONVENIENCE OF OPERATIONS

11.1 Control and Protection of Traffic

- A. Traffic control methods and devices for construction, servicing, maintenance,

relocation or removal operations shall conform with the specifications and provisions of the Manual on Uniform Traffic Control Devices, Arkansas Highway Transportation Department (“AHTD”), for streets and county roads.

- B. All construction and maintenance operations should be planned and conducted with full regard to safety and to keep interference to traffic to an absolute minimum
 - i. On heavily travelled county roads, utility construction and normal maintenance operations interfering with traffic should not be allowed during periods of peak traffic flow.
 - ii. Any traffic work should be planned so that detours and closures of intersecting streets, road approaches or other access points are held to a minimum.
- C. The PCRBD may require a traffic control plan stamped by a PE.

ARTICLE 12 – SPECIAL PROVISIONS

12.1 Notification of Minor Utility Construction/Maintenance

- A. The special provisions in 7.2-7.5 allow for minor construction or repairs by the referenced private owner, operator, utility, contractor, or any other entity, without a permit or fee.
 - i. The provisions in 7.2-7.5 require prior submission to the PCRBD of a “Notification of Minor Utility Construction Form”

12.2 Single Service Installation by Telephone Companies

- A. Single Service wire installations are authorized provided existing underground lines are located on the same side of the road as the facility to be serviced.

12.3 Single Service Installation by Water Utility

- A. Existing water line must be located on the same side of the road as the facility to be serviced with a “Short Side Tap.”
- B. Water utilities are authorized to do minor excavation when searching for a leak or making minor line repairs.

12.4 Installations by Overhead Utilities

- A. Written notice only shall be required for spot excavation near the right-of-way line or for installation or replacement of no more than four (4) poles or anchors.

- i. This includes service to a single customer as long as 12.3(A) is not violated.

12.5 Bell Holes

- A. A Gas Company may dig no more than four (4) "bell holes" for maintenance without a permit.

ARTICLE 13 – POLICY REFERENCE AND ADOPTION

13.1 Reference to Policy in Permits and Agreements

- A. The principles and requirements of this Statement of Policy and any subsequent regulations and specifications of the PCRBD issued pursuant thereto, shall, as applicable, be made a part of all Permits, and shall, by such reference, have the same force and effect as if recited at length therein.

13.2 Policy Adoption upon Issuance

- A. The provisions and general principles of this policy shall be effective immediately and shall be applied upon issuance and general distribution of copies made in whole.
- B. The Sixth Judicial District Prosecuting Attorney shall enforce the provisions of this Order
 - i. The criminal penalties for the violation of any of these provisions are located at Pulaski County Ordinance sections 1-9 and 1-10.
- C. Any person found to have violated any of the provisions of this Order shall be subject to any applicable civil penalty that exists in law or equity.

13.3 Administration

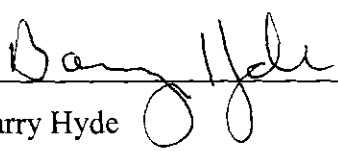
- A. The PCRBD Director shall be authorized to establish necessary administrative procedures for the implementation and enforcement of this Order.

13.4 Standard Specifications

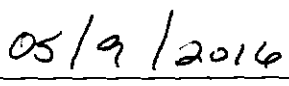
- A. The Standard Specifications for Highway Construction, AHTD, 2014 edition, as amended, shall be adopted as the Standard Specifications for Pulaski County. Further, city extraterritorial standards, the Plan, Pulaski County Subdivision and Development Code, Manual on Uniform Traffic Control Devices, American Association of State Highway and Transportation Officials (AASHTO), American

Traffic Safety Services Association (ATSSA) and AHTD Standard Roadway Drawings standards shall be utilized by the PCRBD when relevant.

IT IS SO ORDERED.



Barry Hyde
County Judge/Chief Executive Officer



Date