

Champaign County Highway
Department

Utility Permit

I (We) _____ , _____
Name of Applicant Mailing Address

City State & Zip

_____, hereinafter termed the Permittee,
request permission and authority to occupy, and to do certain work herein described on the County highway right-of-way.

known as _____, Section _____,
from _____ to _____ in Champaign County.
The work is described in detail below and/or on the attached sketch or plans.

This permit covers the operation and presence of specified equipment, material or facility on the right-of-way that may be related to the authorized work. A copy of this permit must be present when crews or equipment occupy highway right-of way. Failure to comply may result in the cessation of all construction.

This permit is governed by Section 9-113 of the Illinois Highway Code. The Permittee agrees to comply with the requirements of these laws and with all terms and conditions established by this permit. This permit is subject to revocation by the County Highway Department on violation of the terms and conditions governing its use.

Signature of Agent for Permittee Date Mailing Address

Name of Permittee (Print or Type) City State Zip

The work authorized by this permit shall be completed by _____ or within _____ days after the date of approval by the County, otherwise the permit will be considered null and void.

This permit allowing occupancy and work on County right-of-way is approved.

County Highway Engineer Date

This permit is subject to the conditions and restrictions **established in accordance with the Illinois Highway Code** including but not limited to the following:

- (1) The applicant represents all parties in interest and shall furnish material, do all work, pay all costs and shall in a reasonable length of time restore the damaged portions of the highway to a condition similar or equal to that existing before the commencement of the described work, including any landscape or tile restoration necessary. No open cuts across the highway.
- (2) The proposed work shall be located and constructed to the satisfaction of the County Engineer or his duly authorized representative. No revisions or additions shall be made to the proposed work on the right-of-way without the written permission of the County Engineer or his duly authorized representative. **In certain circumstances the County may require that the construction plans and/or the as-built documents be sealed by an Illinois Registered Professional Engineer.** Typical of such projects would be petroleum or gas pipelines.
- (3) The applicant shall at all times conduct the work in such a manner as to minimize hazards to vehicular and pedestrian traffic. All signs, barricades, flaggers, etc., required for traffic control shall be furnished by the applicant.
- (4) The applicant must ascertain the path of its proposed installation and take precautions to protect its workers, human health and the environment in those areas. Where contamination is encountered through excavation in the ROW, it should be managed through the Illinois EPA appropriate guidelines.
- (5) The applicant shall not trim, cut or in any way disturb any trees or shrubbery along the highway without the approval of the County Engineer or his duly authorized representative.
- (6) The facilities authorized to occupy the right-of-way by this permit are subject to removal, relocation or modification by the permittee at no expense to the County on notice given by the County Highway Department in accordance with Section 9-113 of the Illinois Highway Code, as amended. Permittee shall cooperate with the County Highway Department with the scheduling of any removal, relocation or modification deemed necessary for highway or highway safety purposes.
- (7) The permittee agrees to fully comply with the following legal obligations in advance of entering and while upon any Right-of-way within the County Highway System.
 - a) Only a permit issued by the County under this Part will satisfy the "written consent" requirement of Section 9-113 of the Illinois Highway Code.
 - b) A permit from the County grants a license only to undertake certain activities in accordance with this Part on a County right-of-way, and does not create a property right or grant authority to the permittee to impinge on the rights of others who may have an interest in the right-of-way. Such others might include an owner of an underlying fee simple interest if the right-of-way is owned as an easement or dedication of right of way, an owner of an easement, or another permittee.
 - c) It shall be the responsibility of the permittee to ascertain the presence and location of existing above-ground or underground facilities on the highway right-of-way to be occupied by their proposed facilities. The County will make its permit records available to a permittee for the purpose of identifying possible facilities. When notified of an excavation or when requested by the Department, a permittee shall locate, physically mark, and indicate the depth of its underground facilities within 48 hours excluding weekends and holidays.
 - d) The permittee shall avoid conflicts with any existing underground or above-ground facilities on or near the highway right-of-way. Both the County and J.U.L.I.E. are to be contacted for assistance during the application process.
 - e) The permittee shall comply with all other applicable laws relating to the placement of utility lines.
 - f) The issuance of a utility permit by the County Highway Department does not excuse the permittee from complying with any existing statutes, local regulations or requirements of other Local Agencies (e.g., oversize and overweight vehicles) or the requirements of State agencies including, but not limited to, the following:

Illinois Commerce Commission, Illinois Department of Agriculture
Illinois Department of Natural Resources, Illinois Department of Mines and Minerals
Illinois Environmental Protection Agency, Illinois Historic Preservation Agency
 - g) Rights of abutting and underlying property owners are protected by common law and Sections 9-113 and 9-127 of the Code. The permittee will address these rights prior to initiating activities on County right-of-way. The County will not be a party in any negotiations between the utility and abutting property owners.
 - h) In no case shall the permit give or be construed to give an entity any easement, leasehold or other property interest of any kind in, upon, under, above or along the County highway right-of-way.
 - i) Each person responsible for a utility, in place on the effective date of this Part, on a County highway right-of-way shall notify the County Highway Department in writing, if that facility does not comply with this Part. The Department shall treat such a notice as a request for a variance. Until informed that a variance will not be granted, a person responsible for a pre-existing utility will not be in violation of this Part. The failure to provide such notice constitutes a violation of this Part and of the utility accommodation permit (if any) and would justify the imposition of the sanctions set forth in the Illinois Highway Code.