

## **§184-2. UTILITY LOCATION PERMIT.**

### Preparation of Application for a Utility Location Permit

#### **Sec 184-2.1. Definitions.**

**Application:** A written statement, requesting a location permit from the licensing authority, describing the work proposed by the applicant.

**General Location (or permit area):** That portion of the highway to be occupied or crossed by the proposed installation.

**Specific Location Plan:** A plan or sketch showing the location within the highway or the principal units of the proposed installation.

#### **Sec. 2-2. Application.**

The application is designed for publication without plans. The statement in the application must provide:

1. Description of the general location.
2. Description of the proposed installation.
3. Minimum depth below ground or height above ground.

Four (4) copies of each application shall be submitted to the Public Works Director, 10 Maintenance Way, Topsham, Maine 04086.

Any number of general locations and proposed installations may be included in one (1) application. However, each general location and the applicable proposed installation shall be stated separately.

#### **Sec. 2-3. Plans.**

Unless otherwise noted, general location maps (provided by the Utility Section), four (4) copies showing each or all general locations and specific location plans, four (4) copies for each specific location shall be submitted with the application. An as-built survey of the utility post construction to a scale of 40' = 1" on a 24" x 36" vellum must be provided. A digitized electronic drawing file copy, in an approved format, on a 3½" inch floppy disk or CD will be required for larger projects as determined by the Town.

#### **Sec. 2-4. General Location.**

The purpose of the general location (or permit area) description is to fix the location along the highway, to identify the highway system and to determine the licensing authority. The location shall be established by reference to a town line, readily identified intersection, major stream crossing, railroad crossing, or bridge number.

A general location map is required and shall be tied to the highway system. The map may be a photocopy of a portion of an accurate area map or sketch traced from such a map.

#### **Sec. 2-5. Proposed Installation.**

Describe the immediate proposed installation and the ultimate reasonable replacement or addition, which may be anticipated without seeking a new permit. Indicate the size, type and purpose of pipes, poles, voltage and phase of electrical line, number of cables or strands, etc.

Mention hydrants, services, protective and supporting equipment and associated appurtenances or any other proposed utility not listed above.

In urban or congested areas, the proposed installation should be in compliance with the existing Municipal Construction Standards. If not, the application should be accompanied with a statement indicating reasons for non-compliance.

#### **Sec. 2-6. Specific Location Plan.**

The specific location plan or sketch shall show the location of the principal units of the installation. Longitudinal distances between control points, bends, manholes, poles, etc. shall be given. Offset distances from the highway centerline, edge of pavement, curb or other well-defined applicable reference shall be given. Offsets shall be to the centerline of underground installations. Offsets shall be in feet and inches to the near side of poles, hydrants, etc, which are less than ten (10) feet from the face of curb or outer edge of shoulder. The safety minimum offset for the location is acceptable for all poles, which will be at, or beyond that offset. Edge of traveled way or assumed right-of-way lines, and other pertinent highway features shall be indicated.

A separate specific location plan shall be submitted for each proposed installation. No more than two (2) highways should be shown on one (1) sheet.

#### **Sec. 2-7. Supporting Data.**

The application should contain or be accompanied by a statement indicating:

1. That a copy of the application has been given to the municipal officers.
2. The newspaper in which the application will be published.
3. Any proposed joint use or ownership of the facility.
4. Any existing facility or permit of the applicant at this location.
5. Any existing facility of others with which the proposed installations may conflict.
6. Person available to review proposed locations at the site. NAME, ADDRESS, TELEPHONE NUMBER
7. An as-built survey of the utility post construction to a scale of 40' = 1" on a 24" x 36" vellum must be provided. A digitized electronic drawing file copy on a 3½-inch floppy disk or CD will be required for larger projects as determined by the Town. The Director shall approve the format of the digitized file drawing.

#### **Sec. 2-8. Publication.**

Per MSRA Title 35A Chapter 25. § 2503, the applicant shall give public notice by publishing the text of the application once in a newspaper circulated in the municipality or municipalities encompassing the limits of the proposed location. The publication shall include a statement equivalent to the following: "Any person, firm, or corporation claiming to be adversely affected by this proposed location, shall file a written objection with the Town stating the cause of said objection within fourteen (14) days after the publication of this notice." Evidence of publication shall be submitted to the Town before a permit can be issued.

**Sec. 2-9. Bridges.**

If the installation is to be made on or close to a bridge, the application must be accompanied by plans showing the location, method of construction, clearances and other data pertinent to the safety and use of the bridge. For detailed requirements and more information of installations adjacent and/or attachments to bridges, please contact Bridge Maintenance, Maine Department of Transportation, in the Augusta office.

**Sec. 2-10. Highway Construction.**

In order that an adequate permit may be issued for the location of utility plant relocated because of highway construction or retained within the limits of highway construction, the utility shall submit a statement in substantially the same form and substance as an application for a Location Permit with these exceptions or additions the same form and substance as an application for a Location Permit with these exceptions or additions.

1. Reference shall be made to the highway construction project.
2. The specific location plan shall show highway stations, except for project for which highway construction plans are not available.
3. If highway construction is a federal aid project, the specific location plan shall show the normal edge of pavement, the curb or outside edge of shoulder, right-of-way line and other pertinent highway features.

If highway construction is in an urban or congested area the Municipal Construction Standards shall be followed with exceptions only if an undue hardship may be created.

**Sec. 2-11. Application.**

The Application shall be of sufficient detail to permit review without the need of a site visit.

**Sec. 2-12. Permits.**

As far as practicable, the utility's description and specific location plan will be made a part of the permit.

**Sec. 2-13. Highway Construction.**

Title 35A MSRA §2503 right-of-way 9 requires the licensing authority to issue Location Permit for facilities relocated because of highway construction

Highway construction changes the relationship between existing utility plant and the new highway without any utility relocation. The licensing authority should issue a Location Permit to confirm that any utility plant which has not been relocated does not impair the highway improvement or interfere with the free and safe flow of traffic.

When right-of-way is taken from a utility for highway right-of-way and the utility must, or chooses to, leave its plant in the public way, the licensing authority should issue a Location Permit as evidence of the legality of the location.

Federal regulations require the equivalent of the above wherever utility plant is to be retained, relocated or constructed within the limits of federal aid highway project.

**Sec. 2-14. Work Not Requiring A Permit.**

*A new location permit is not required for:*

- a. Replacements, repairs or reconstruction in place.\*
- b. Additions provided for in the original permit.
- c. Improvements provided for in the original permit.
- d. Services.
- e. Hydrants, transformers, street lights, valves, switches, etc. and associated equipment.
- f. The applicant is advised to read the law for conditions under which a Location Permit is not required.

\*If the existing installation appears to impair the highway improvement or to interfere with the free and safe flow of traffic, and if anything more than a minor replacement or reconstruction is planned the utility should move its plant to a location which is in compliance with the current standards.

**Sec. 2-15. Advance Installation.**

A Conditional Location Permit for Utilities may be issued to allow a utility to be placed in advance of this permit process, but the applicant does so at his/her own risk\*. Any conditions, changes, re-locations resulting from the formal permit being issued will be the sole responsibility of the applicant for compliance. The Conditional Permit shall be issued in written letterform on a case by case basis. No formal Application is attached.

\*However, if the existing installation appears to impair the highway improvement or to interfere with the free and safe flow of traffic and if anything more than a minor replacement or reconstruction is planned the utility should move its plant to a location which is in compliance with the current standards.

*The Town objects to each application for a Utility Location Permit pending review by a representative of the Town. Issuance of the permit shall be evidence that the objection has been withdrawn.*

**Town of Topsham  
Public Works Department  
Application for Utility Location Permit**

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

The \_\_\_\_\_  
(Name of Utility)

duly authorized under the laws of the State of Maine to construct, maintain and  
operate \_\_\_\_\_  
(Type of Utility)

within the Right-of-way of highways within the State, hereby applies, pursuant to Title 35A  
MRSA § 2503, as amended, (1967, 1973, 1987), for a Location Permit for the following  
installation in the Town of Topsham.

Description:

Minimum Depth of Cover \_\_\_\_\_  
(If applicable)

“Any person, firm or corporation claiming to be adversely affected by this proposed location  
shall file a written objection with the Town, stating the cause of said objection within fourteen  
(14) days after the publication of this notice.”

\* \_\_\_\_\_

The text of this application will be published:

\_\_\_\_\_  
Name of Newspaper

By \_\_\_\_\_

\*The entire application above this line is  
is to be published.

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
Approved by Dennis Cox  
Public Works Director

\_\_\_\_\_  
Date