

form approved 11-13-18

ROAD MAINTENANCE PERMIT FOR PRIVATE ENTITIES
ROADS NOT MAINTAINED BY COUNTY

MORGAN COUNTY ROAD AND BRIDGE DEPARTMENT
17303 COUNTY ROAD S, P.O. BOX 516
FORT MORGAN, CO 80701
(970) 542-3560

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



In order to facilitate the maintenance of a County road, Morgan County may allow a private individual or company to perform maintenance on all or part of a County road. This permit allows maintenance on a county road which has not been opened by the County and/or maintained by the County.

No person shall perform work, except as permitted by the Morgan County Road Department Policies and Procedures and Road Maintenance Permit for Private Entities - Road Not Maintained by County, on a County road without first obtaining a Road Maintenance Permit for Private Entities from the Morgan County Road and Bridge Department (Road Department) for Roads Not Maintained by the County. The County shall determine, at its sole discretion, which county roads it will allow a private party 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 Morgan County Road Department Policies and Procedure, Road Maintenance Permit for Private Entities, Roads Not Maintained by County.)

The intent of this permit 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 permittee's use.

PERMITEE: _____

MAILING ADDRESS: _____

TELEPHONE _____

Permittee hereby requests authority to maintain Morgan County Road Number _____ from Mile Marker _____ to Mile Marker _____ (or, if Mile Marker information is not available, from Start Point _____ to End Point _____) for a total distance of _____. The reason the permittee is requesting permission to maintain:

Name of person responsible for road maintenance and contact information: _____

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

Time period for which permit is being requested _____

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

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.

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

SEE MORGAN COUNTY ROAD DEPARTMENT POLICIES AND PROCEDURES, ROAD MAINTENANCE PERMIT FOR PRIVATE ENTITIES, ROADS NOT MAINTAINED BY COUNTY, FOR COMPLETE POLICIES AND PROCEDURES.

The Undersigned Permittee agrees:

INDEMNIFICATION: To the fullest extent permitted by law, Permittee agrees to defend, hold harmless, and unconditionally indemnify Morgan 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 Morgan 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 Permittee's breach of this Permit or acts or failures to act by Permittee or its employees or agents in the performance of the Permit; 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 Morgan County. Morgan 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 Morgan County, provided however that Morgan County has not waived and by this Permit, is not waiving any right to

governmental immunity or limitation of liability that it is afforded under the Colorado Governmental Immunity Act.

That the Permittee 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 Permittee understands that Permittee is obligated to the Board of Morgan 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, Permittee agrees and understands that Permittee is not an agent, representative or employee of Morgan County, and shall not be construed as an agent, representative or employee of Morgan County. Morgan County in its sole discretion, reserves the right to terminate this Permit at any time upon written notice to Permittee mailed regular mail, postage prepaid to the Permittee at the address shown herein. Said notice shall be effective upon mailing. Morgan County may also serve said notice on Permittee personally or by leaving a copy of said notice at Permittee's place of business or home.

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

PERMITTEE _____ REP. NAME (PRINT) _____

SIGNATURE _____ DATE _____ PHONE NUMBER _____

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

BY _____ DATE _____ TITLE _____

MORGAN COUNTY ROAD DEPARTMENT POLICIES AND PROCEDURES

ROAD MAINTENANCE PERMIT FOR PRIVATE ENTITIES ROADS NOT MAINTAINED BY COUNTY

The purpose of this policy is to outline the procedures and criteria by which Morgan 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 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 Permittee's use.

The requirements and procedures set forth herein and in the permit 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 be opened by the County or otherwise be maintained on a regular basis, the Morgan 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 a permit does not grant exclusive use of county roads.

Exception as provided by these Policies and Procedures, no person shall perform work on a County road without first submitting a Road Maintenance Permit for Private Entities, Roads Not Maintained by the County, to the 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. Name of the person(s) responsible for maintaining the road.
5. Names and mailing addresses of property owners located along the proposed route.
6. Reason the maintenance is being requested.
7. The time period for which the permit is being requested.

The Permittee 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.

Maintenance of the County road shall be done in a manner to preserve and protect roads during the term of the permit 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, (3) not hindering or blocking driveway or other access points from the county road, and (4) 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.

Notwithstanding the issuance of a permit, within its sole discretion, the County reserves the right to inspect the road at any time and repair, alter or change any portion of the road at any time.

The Permittee has no property right or ownership of any materials it provides or uses in the repair or maintenance of the road.

Permittee shall perform road maintenance work as follows:

1. Except in cases of emergency or single acts of maintenance or snow removal where there is no intention to continue maintenance or snow removal on a regular basis, no one shall perform maintenance or snow removal on a County road without first receiving a permit from the Morgan County Road Department (Road Department).
2. The Permittee shall notify the Road Department before maintenance begins.
3. Permittee is responsible for obtaining all other necessary permits to perform maintenance, including complying with any utility locates and contacting 811.
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. Bridges, wing walls, asphalt, cattle guards, ditches and culverts shall be kept functional during and upon completion of maintenance operations. Any damage done to bridges, wing walls, asphalt, cattle guards, ditches and culverts which impair their proper use shall be immediately repaired or replaced by the Permittee at the sole cost and expense of the Permittee. All materials for repairs must be equivalent to or better than the damaged materials. Substitution of materials of lesser quality will be not be permitted. Permittee must notify the Road Department immediately when any damage as occurred. All repairs must be inspected by the Road

Department and must be satisfactory to the County.

7. No berms are permitted as a result of maintenance or snow removal.
8. The Permittee must purchase and use a warning sign notifying the public there is "PRIVATE MAINTENANCE BEYOND THIS POINT" during periods of maintenance. The sign must be approved by and purchased through the County. The Permittee shall place the sign just off the intersection so the sign is visible from the intersecting road. The near edge of the sign must be a minimum of 12 feet from the edge of the traveled portion of the road. The sign must be placed so the height distance from the level edge of the road to the bottom edge of the sign is five (5) feet. The sign must be removed when maintenance has been completed.
9. No cleated or track equipment shall be used on equipment traversing roads which will damage road surface.
10. The Permittee must give the Road Department at least five working days advance notice before terminating this permit.
11. 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 Permittee shall purchase and maintain such insurance as will protect them from claims set forth below which may arise out of or result from the PERMITTEE'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, as required under the law;
 - 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: Each Accident	\$1,000,000
	Or Occurrence:	\$2,000,000
Property Damage Liability:	Each Accident Or Occurrence:	\$1,000,000
	Aggregate:	\$2,000,000

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

- a) PERMITTEE'S Liability Insurance issued to and covering the liability for damages imposed by law upon the Permittee and each subcontractor with respect to all work performed by them under the Permit (Road Maintenance Permit For Private Entities, Roads Not Maintained by the County).
- b) Comprehensive Automobile Insurance shall be carried in the amount of \$500,000/\$2,000,000 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.
- c) The Permittee shall in addition, and in the amounts required above, obtain protective Liability Insurance to and covering the liability for damages imposed by law upon Morgan County with respect to all operations under the Permit by the Permittee or the Permittee's subcontractors.

COMPREHENSIVE RISK POLICY OPTION: In lieu of the several policies specified for PERMITTEE'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 \$2,000,000, subject to the approval of the Road Department will be permissible.

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. Permittee 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 Permittee and Road Department.

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

MORGAN COUNTY'S LIABILITY INSURANCE: Morgan 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 Permittee from purchasing and maintaining the insurance's herein before specified.

The term of the 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.

THE PERMITTEE SHALL BE LIABLE FOR ANY DAMAGE TO THE ROAD SURFACE CAUSED BY PERMITTEE'S MAINTENANCE OPERATION. Upon such notice, at the sole cost of the Permittee, the County shall repair and/or replace the surface material and

bill the Permittee for all materials including labor and equipment costs.

PERMITTEE MUST NOTIFY THE ROAD DEPARTMENT AT LEAST FIVE DAYS IN ADVANCE BEFORE TERMINATING THIS PERMIT.

The County shall exercise its' appropriate, lawful authority to ensure compliance with the Road Maintenance Permit for Private Entities, Roads Not Maintained by County. Nothing in this policy is, or shall be construed to be, an obligation of Morgan 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.

