

AUG 10 1982

D.M. PENFOLD, Director of
General Services of Lane County
Walter Becket
DEPUTY

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 20-82) IN THE MATTER OF AMENDING CHAPTER 15
) OF LANE CODE TO INCLUDE PROVISIONS FOR
) ROAD AND RIGHT-OF-WAY REGULATIONS
)

The Board of County Commissioners of Lane County ordains as follows:

Chapter 15 of Lane Code is hereby amended by adding the following pages:

REMOVE THESE PAGES

INSERT THESE PAGES

15.205 - 15.210(1) to
15.225 - 15.225
(a total of five new pages)

Said pages are attached hereto and incorporated herein by reference. The purpose of this addition is to include provisions for road and right-of-way regulations.

Enacted this 4th day of August, 1982.

Scott Llewellyn

Chairman, Lane County Board of
Commissioners

Barbara Schaefer

Recording Secretary for this Meeting
of the Board

In the Matter of Amending Chapter 15 of Lane Code to Include Provisions for Road and Right-of-Way Regulations

APPROVED AS TO FORM
DATE *7/9/82* In: county
W. Llewellyn
OFFICE OF LEGAL COUNSEL

15.205

Lane Code

15.210(1)

ROAD AND RIGHT-OF-WAY REGULATIONS

15.205 Permits Required in Connection With Use of Public Roads and Rights-of-Way. The Director of the Department of Public Works is delegated authority granted the Board of County Commissioners, by State statute or other applicable law, with regard to issuance of permits for use of public roads and rights-of-way. Such use and the required permits include, but are not limited to, the following:

(1) Facility Permits. Placement of facilities within public rights-of-way and substantial alteration of such facilities shall be authorized only through facility permits issued by the Director of the Department of Public Works, or his or her authorized representative, in accordance with ORS 374.305-.340. Such facilities include, but are not limited to, approach roads, utility placements, structures or any other facility, thing or appurtenance.

(2) Special Transportation Permits. Movement of loads upon public roads, in excess of standard limits established by State law and in excess of road and bridge tolerances as posted by the Department of Public Works shall be only as authorized on permit of the Director of the Department of Public Works in accordance with, ORS 483.502-.528 and any other applicable laws, rules and regulations.

(3) Nonmotorized Vehicles. Bicycling on Delta Highway shall be only as authorized on permit of the Director of the Department of Public Works in accordance with LC 5.400.

(4) Open Burning in Unprotected Areas. The Director of the Department of Public Works shall issue open burning permits for areas of the County outside jurisdiction of a fire protection district in accordance with ORS 476.380.

(5) Other Permits. The Director of the Department of Public Works is authorized to issue permits for such other activities or installations within public rights-of-way as may be granted the Board by applicable laws, rules and regulations. This includes, but is not limited to, loading logs along County roads, gating, installation of stock guards or fencing along or within public rights-of-way and such special activities as bike-a-thons or the like which would require special conditions for use of the public roads or rights-of-way.

15.210 Permit Procedure. The following rules and regulations are adopted with regard to permits issued by the Department of Public Works:

(1) Application. Application for permits shall be made on forms provided by the Department of Public Works. The applicant shall certify that all information supplied on the application is correct and shall agree to abide by all applicable Federal, State and County laws, rules and regulations with regard to performance under the permit.

15.210(2)

Lane Code

15.210(4)

(2) Approval Criteria. The Director of the Department of Public Works, in approving any application, may attach special terms and conditions as determined by the Director to be in the best interest of the public. Those applications which are deemed to be not in the public interest or which would jeopardize public safety or cause unnecessary damage to the road system shall be denied.

(3) Fees. Fees as allowed by law or as established by the Board may be collected by the Director of the Department of Public Works, in connection with the issuance of permits.

(4) Indemnity Requirements.

(a) The holders of permits shall be liable for damage or injury to persons or property, including roads and structures, resulting from work done or privileges granted under any permit.

(b) Before a permit shall be issued, applicants for special transportation or other permits may be required to provide proof of adequate public liability or property damage insurance and proof of insurance or bond indemnifying Lane County, its agents and employees, against liability in the event of any injury or damage occurring by reason of the permittee's operations on a road.

(c) Applicants for facility permits and private road crossings may be required to show proof of such insurance.

(d) Applicants for permits to load logs along roads may be required to post a performance bond in an amount determined by the Director of the Department of Public Works, and may be required to provide proof of adequate public liability and property damage insurance.

(e) Applicants for private access easement crossings may be required to furnish a bond or insurance indemnifying Lane County from any damage to roads or structures that may be caused by use of the crossing.

(f) In all cases, performance bonds and insurance shall be at least in the minimum amount designated by the Director of the Department of Public Works.

(g) The holders of all permits shall conduct any work or privilege granted by permit at their own sole risk and shall indemnify, save harmless and defend Lane County, its agents and employees, from all claims, suits, actions and damages arising out of or resulting from the work or privileges granted by permit and such indemnity shall not be limited by reason of the enumeration of any insurance coverage that may be required.

15.210(5)

Lane Code

15.210(9)

(5) Safety Requirements. Holders of permits shall exercise diligence and care to ensure safety to the public and protection of the road system. Safety precautions shall include such stipulations reasonably related to safety requirements, as may be made by the Director of the Department of Public Works, in issuing the permit, and such other safety measures as may be required by law. Should it be necessary to interrupt or redirect traffic, procedures designated by the Manual on Uniform Traffic Control Devices currently in effect shall apply. During construction performed in connection with facility permits, roads shall be kept free of debris. Flaggers, barricades and other safety devices shall be employed as necessary to warn traffic of possible hazards. Lighted warning lights shall be maintained where necessary between the hours of sunset and sunrise.

(6) Construction. Facilities shall be constructed to standard State of Oregon or Lane County specifications, except as indicated by the Director of the Department of Public Works, in issuing the permit. The permittee shall notify the Director prior to the removal of any survey monuments, and shall be responsible for the cost of replacing any survey monuments moved or destroyed while working in public rights-of-way. The entire cost of construction, including special conditions and safety requirements, shall be borne by the permittee. Upon completion of the work, the road and right-of-way shall be restored to its original condition at the expense of the permittee.

(7) Inspection. Performance under any permit issued by the Director of the Department of Public Works is subject to inspection and approval by the Director. Required security will not be released until approval has been granted. The Director is granted authority by the Board to act as its agent pursuant to ORS 374.305-.340 with regard to correction of deficient or unauthorized installations.

(8) Maintenance. Holders of facility permits shall be responsible for maintenance of facilities at their own expense. The expense of relocation or alteration of approach roads in connection with a road improvement project shall be borne by the Department of Public Works, except when such alteration is made in connection with assessable improvements in urban areas. Facilities shall be kept in a good state of repair at all times. Permits shall be required for alterations of a substantial nature (not merely maintaining or repairing). The Director of the Department of Public Works is delegated statutory authority of the Board with regard to maintenance requirements, alteration or removal of facilities within the rights-of-way.

(9) Termination and Suspension. Permits shall have a specified expiration date for completion of construction. Following construction, access permits shall remain in effect until a change in land use occurs. Permits with specified termination dates are not

15.210(9)

Lane Code

15.220

subject to extension; should it be necessary for the permit to remain in effect, a new application must be submitted. Permits may be terminated or suspended when the permittee is found to have obtained a permit through misrepresentation of the facts or when, in the judgment of the Director of the Department of Public Works, terms of the permit are being violated or public safety is threatened.

(10) Permittees shall be responsible for the cost of design, installation or construction of additional roadway improvements and traffic control devices, such as turn lanes, warning devices or traffic signals, at any time in the future when the traffic volumes generated by the use for which the access permit is authorized necessitate such installation in the interest of public safety. The need for and type of traffic control devices required shall be determined by the Director of the Department of Public Works. Responsibility of the permittee shall be limited to cost of design and installation or construction only.

(11) Failure to Comply. The Director of the Department of Public Works is authorized to remove unauthorized facilities, including trees and shrubs which constitute a safety hazard, from public rights-of-way. The Director may first attempt to contact the owner for removal of unauthorized facilities or installations. Upon failure of the owner to comply with removal by a specified date, the Director may cause the unauthorized facility to be removed with the cost billed to the owner.

(12) Appeal. The permittee has the right of appeal with regard to rejection of an application, termination or suspension of a permit, or special conditions attached to a permit to the Director of the Department of Public Works, if the initial contact has been with a Public Works Division Manager, and, if further appeal is necessary, to the Board pursuant to LC 15.900(8).

15.215 Road and Bridge Restrictions. The Director of the Department of Public Works is delegated authority by the Board to impose temporary weight restrictions on roads or bridges under emergency conditions. In the event of threat to public safety or extensive damage to public roads or bridges, the Director of the Department of Public Works may post those facilities with such restrictions as authorized under ORS 487.905. Such action shall be abated unless confirmed at the next public meeting of the Board with a duly executed Board Order.

15.220 Temporary Road Closures. The Director of the Department of Public Works is authorized to temporarily close a road in the interest of public safety or prevention of extensive damage to County roads or bridges.

15.225

Lane Code

15.225

15.225 Unopened Established County Rights-of-Way. Rights-of-way
legally established for County road purposes over which
roads have not been constructed shall not be opened for purposes of
private access or land development at public expense. Construction
of roads in these circumstances shall be as specified by facility
permit and through the land development process, if applicable, at
the expense of the applicant.