

1 **BEFORE THE BOARD OF COMMISSIONERS**

2 **FOR LINCOLN COUNTY, OREGON**

3 ORDINANCE # 403

4 _____
5
6 **Relating to roads; creating new provisions; and declaring an emergency.**
7 _____

8 The Lincoln County Board of Commissioners ordains as follows:

9 **SECTION 1.**

10 Section 2 of this Ordinance is added to and made a part of LCC Chapter 6, as
11 indicated.

12 **SECTION 2.**

13 **6.380 Construction and Location Details for Local Access Roads Within a**
14 **Special Road District**

15 **(1) No person shall perform any work to change, expand, or repair an existing use**
16 **of a local access road right-of-way within a special road district for a pole line, buried**
17 **cable, pipe line, sign, miscellaneous facility, or miscellaneous operation, unless the work**
18 **complies with the requirements of this section.**

19 **(2) All work in connection with the facility shall be done in a neat and**
20 **workmanlike manner. Work zone signage and traffic control shall conform to the rules**
21 **of the Oregon Department of Transportation. Construction shall conform to the rules of**
22 **the Oregon State Public Utility Commissioner, the Oregon State Board of Health, or**

1 other governmental agencies having regulatory authority over the facility. In the event
2 the above agencies do not prescribe standards which provide the degree of protection
3 substantially equal to the following industry codes, then the appropriate industry codes
4 shall apply:

5 (a) United States of America Standards Institute, 10 East 40th Street, New York,
6 N.Y. 10016:

7 (A) USAS B 31.1.0; Current Issue; Power Piping Systems;

8 (B) USAS B 31.3; Current Issue; Petroleum Refinery Piping;

9 (C) USAS B 31.4; Current Issue; Liquid Petroleum Transportation Piping
10 Systems;

11 (D) USAS B 31.8; Current Issue; Gas Transmission and Distribution Piping
12 Systems.

13 (b) American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y.
14 10020:

15 API RP 1102; Current Issue; Recommended Practice for Liquid Petroleum
16 Pipelines Crossing Railroads and Highways.

17 (c) American Water Works Association, 2 Park Avenue New York, N.Y. 10016:

18 AWWA Standards and Specifications; Current Issue.

19 (d) National Bureau of Standards, U.S. Department of Commerce, for sale by
20 Superintendent of Documents, U.S. Government Printing Office, Washington D.C.

21 20401:

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.

1 **(A) National Electric Safety Code; Current Issue.**

2 **(B) Safety Rules for the Installation and Maintenance of Electric Supply and**
3 **Communication Lines; Current Issue.**

4 **(3) Corrugated metal pipe and concrete pipe used as a conduit or casing pipe or a**
5 **gravity flow carrier pipe shall, as a minimum, conform to requirements of the current**
6 **issue of "State of Oregon, Standard Specifications for Highway Construction."**

7 **(4) No trench shall be excavated with a top width in excess of 18 inches more than**
8 **the outside diameter of the pipe, conduit, or cable to be installed unless permission is**
9 **obtained from the district.**

10 **(5) The backfilling of all trenches and tunnels must be accomplished immediately**
11 **after the facility has been placed therein and must be well tamped and fully compacted so**
12 **as to allow the least possible amount of subsequent settlement.**

13 **(6) All debris, refuse, and waste of all kinds which may have accumulated upon**
14 **the road right-of-way by reason of the operations shall be removed immediately upon**
15 **completion of the operations, and the road right-of-way restored to the condition it was**
16 **prior to construction.**

17 **(7) Unless permission is obtained from the district to open cut for pipe line or**
18 **conduit which crosses under the surfaced portion of the road and shoulders, road or**
19 **street connections, road approaches, or driveways, the person performing the work shall**
20 **tunnel, jack, or drive under the surface in accordance with the following provisions:**

1 (a) Trenching shall be no nearer the toe of the fill slope in fill sections or the point
2 where the outer edges of the surfacing meets the sub-grade.

3 (b) Tunneling shall be by an approved method which supports the surrounding
4 materials so as to prevent caving or settlement. Areas around the installed pipe or
5 conduit shall be backfilled with moist sand, granular material, or cement grout filling all
6 voids and packed in place with mechanical tampers or other approved devices. Lagging,
7 bulk heading, and timbering shall be removed as the backfilling progresses.

8 (c) Jacking, driving, or boring shall be by approved means which will hold
9 disturbances of surrounding material to a minimum. Sluicing and jetting is not
10 permitted. Voids or displacement outside the outside perimeter of the pipe, conduit, or
11 cable where greater than 0.1 foot, shall be filled with sand or cement grout packed in
12 place.

13 (9) When permission is granted to open cut the surfaced portion of the road, the
14 following provisions shall be followed:

15 (a) Trench edges in paved areas shall be sawn or cut to neat lines by methods
16 satisfactory to the district to a depth sufficient to permit removal of pavement without
17 damage to pavement to be left in place. Pavement within the cutting limits, together with
18 all other excavated material, shall be removed and disposed of outside road right-of-way.

19 (b) Closure of the road being worked on, intersecting streets, road approaches, or
20 other access points is not permitted without prior approval from the district and any
21 other applicable road authority with jurisdiction over the intersecting street, approach,

1 or access point that is the subject of the closure. County approval is not required for
2 local access roads within the district that are also under county jurisdiction. Upon
3 trenching across such facilities, steel running plates, planks, or other satisfactory
4 methods shall be used to provide for traffic to enter or leave the road or adjacent
5 property.

6 (c) No more than 300 feet of trench longitudinally along the road shall be open at
7 one time and no trench shall be left in open condition overnight.

8 (d) Immediately after a facility has been placed in the trench, the trench shall be
9 backfilled with compacted granular material, commonly designated as previous material,
10 which cannot be ribboned out between the finger and thumb, and which is free from
11 humus, organic matter, vegetable matter, frozen material, clods, sticks and debris, and
12 contains no stones having a dimension greater than three inches. Said granular material
13 shall be placed to an elevation which will allow placing the following foundation material
14 and wearing surface:

15 (A) Where original surface was asphalt concrete or bituminous treatment or mix:

16 (i) Wearing surface: Asphalt concrete placed to a compacted thickness of four
17 inches or the thickness of the removed pavement, whichever is greater;

18 (ii) Foundation material: Either 1-0 inch or 3/4-0 inch aggregate placed to a
19 compacted thickness of four inches or the thickness of the removed stone base, whichever
20 is greater.

1 **(B) Where original surface was crushed rock or gravel, wearing surface and**
2 **foundation material: Either 1-0 inch or 3/4-0 inch aggregate placed to a total compacted**
3 **thickness of four inches or the thickness of the removed stone base and wearing surface,**
4 **whichever is greater.**

5 **(C) All materials in subparagraphs (A) and (B) of this paragraph, and their**
6 **placement, shall conform to the requirements of the current Oregon State Highway**
7 **Standard Specifications for Highway Construction.**

8 **(e) For a period of one year following the patching of the paved surface, the**
9 **person responsible for the patching shall be responsible for the condition of pavement**
10 **patches and, during that time, shall, upon request of the district, repair to the district's**
11 **satisfaction any patches which become settled, cracked, broken, or otherwise faulty.**

12 **(8) Unless permission is obtained from the district, direct burial of cable placed by**
13 **the ploughing method shall be limited to areas outside the surfaced portion of the road.**

14 **(9) Standard warning signs for buried power or communications cable and for**
15 **pipelines carrying gas or flammable liquids shall be placed at each crossing under the**
16 **road and at intervals along longitudinal installations as required by current PUC order,**
17 **or as specified by the district:**

18 **(a) Signs shall be offset as near the right-of-way line as practical; and**

19 **(b) Signs for installations located within the roadbed may be placed behind**
20 **existing guard rail.**

1 (10) Pole line locations over the roadway shall have a minimum height of the
2 lowest wire at 20 feet; locations parallel and not on the traveled portion, the minimum
3 height of the lowest wire shall be 18 feet. Poles shall be located not less than 12 feet from
4 the edge of pavement on paved-surfaced roads, or not less than eight feet from the
5 shoulder on gravel-surfaced roads. Wherever possible, poles shall be located along the
6 tangent section of roads and on the short curve radius side of curves. Poles to be located
7 on the long radius side of curves will require additional approval by the district and may
8 be subject to special conditions.

9 (11) Pedéstals installed as part of a buried cable installation are to be located one
10 foot from the right-of-way line unless permission is obtained from the district to locate
11 elsewhere. In no case shall the pedestals be located within the road maintenance
12 operating area, including mowing operations, or nearer the pavement edge than any
13 official highway sign in the same general location.

14 (12) Notwithstanding any provision to the contrary in LCC Chapter 10, the
15 provisions of this section may be enforced as provided in LCC Chapter 10 by the special
16 road district in which the subject road right-of-way lies.

17 (13) As used in this section:

18 (a) "Local access road" has the meaning provided in ORS 368.001.

19 (b) "Special road district" means an ORS 371.305 to 371.385 special road district
20 in Lincoln County.

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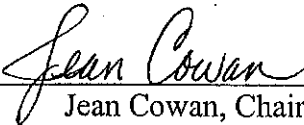
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SECTION 3.

This Ordinance being necessary for the immediate preservation of the public peace,
health and safety, an emergency is declared to exist and this Ordinance shall take effect upon
its passage.

DATED this 22nd day of November, 2000.

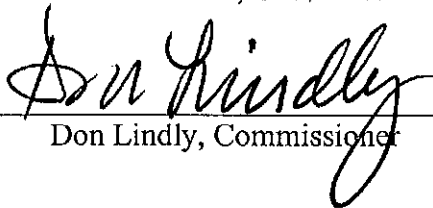
LINCOLN COUNTY BOARD OF COMMISSIONERS



Jean Cowan, Chair




Karen L. Gerttula, Commissioner




Don Lindly, Commissioner

ATTESTED TO:



Susan Kays, Recorder

APPROVED AS TO FORM:



Wayne Belmont, County Counsel

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.

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Ordinance mailed 11/29/00