

FIRST READING - April 12, 1988
 SECOND READING - April 28, 1988

AN ORDINANCE FOR THE OCCUPANCY OF COUNTY ROADS BY UTILITIES STATING A DEFINITION FOR TERMS USING THE ORDINANCE; THE PURPOSE OF THE APPLICATION; PERMIT APPLICATION PROCEDURES; PERMIT FEES; ISSUANCE OF PERMIT; EMERGENCY WORK; GENERAL CONDITIONS; SPECIAL CONDITIONS-SUBSERVICE OPERATIONS; SPECIAL CONDITIONS-ABOVE GROUND FACILITIES; RECORD EXAMINATIONS; AND PENALTIES AND ENFORCEMENTS.

The provisions of this Ordinance and the Authority under which the County of Lackawanna has acted is Section 309 of the Lackawanna County Home Rule Charter.

SECTION 1: Definitions.

The following words and terms, when used in this chapter, shall have, unless the context clearly indicates otherwise, the following meanings:

Adjacent Area - The area surrounding the immediate area of the permitted work which can reasonably be assumed to have been affected by the permitted work.

Backfill - Material used to replace or the act of replacing material removed during construction.

Base Course - The layer or layers of specified or selected material or designed thickness placed on a subbase or a subgrade to support a surface course.

Bridge - A structure including supports, erected over a depression or an obstruction, as water, highway, or railway, and having a track or passageway for carrying traffic or other moving loads and having an opening measured along the center of the roadway of more than 20 feet between supports.

Central Permit Office - The office for the control of issuance of permits located at:

Department of Roads and Bridges
 Lackawanna County
 County Administration Building
 200 Adams Avenue
 Scranton, PA 18503

Clear Roadside Area - The portion of right-of-way beyond the pavement edge within which no existing obstructions are located.

Commonwealth - The Commonwealth of Pennsylvania.

Culvert - Any structure under the roadway with an opening of 20 feet or less measured along the center of the roadway.

Department - Lackawanna County Department of Roads and Bridges.

Detour - To send traffic by a circuitous route around a portion of a highway that has been closed in accordance with §§3 and 7 of the Ordinance.

Emergency - An unforeseen occurrence or combination of circumstances which calls for immediate action or remedy.

Emergency Permit Card - Lackawanna County Form ___ used pursuant to §6 of this Ordinance.

Equipment - All machinery and equipment, together with the necessary supplies for upkeep and maintenance, and also tools and apparatus necessary for the proper construction and completion of the work.

Flexible Base Pavement - A pavement structure which maintains intimate contact with and distributes loads to the subgrade and depends on aggregate interlock, particle friction, and cohesion for stability.

Form 408 - The latest revision of highway construction specifications issued by the Department of Transportation of the Commonwealth of Pennsylvania.

Grout - A mixture of cement, water, and sand.

High Early Strength Concrete - Cement concrete meeting specifications set forth in section 4 of this Ordinance and Form 408 of the Department of Transportation of the Commonwealth of Pennsylvania.

Highway - A highway or bridge on the system of State highways and bridges, including the entire width between right-of-way lines, over which the County has assumed or has been legislatively given jurisdiction.

Improved Area - The area within the right-way which has been constructed for highway purposes, including roadbed, pavement, shoulders, slope, sidewalks, drainage facilities, and any other appurtenances.

Inspector - The County's authorized representative assigned to inspect permit operations.

Limited Access Highway - A highway in respect to which owners or occupants of abutting lands and other persons have no legal right of access except at points and in the manner determined by the Pennsylvania Department of Transportation or Lackawanna County.

Pavement - The combination of subbase, base course, and surface course placed on a subgrade to support the traffic load and distribute it to the roadbed.

Permit -

(i) A highway occupancy form similar to Pennsylvania Department of Transportation Form M-945P issued by a County office pursuant to the provisions of this chapter.

(ii) A highway occupancy permit issued to a utility by a municipality which has entered into a municipal permit issuance agreement with the County; and

(iii) An authorization to occupy highway right-of-way when a utility facility relocation is required by a highway construction project, granted either by written agreement or by a highway occupancy permit - utility relocation under the provisions of the Pennsylvania Department of Transportation Design Manual, Part 5.

Person - A natural person, firm, copartnership, association, corporation, authority, or political subdivision.

Plans - Drawings which show the location, character, and dimensions of the proposed occupancy and related highway features, including layouts, profiles, cross sections, and other details as required by the Lackawanna County Engineer's Office.

Plowing - Direct burial of an utility line by means of a plow-type mechanism which breaks the ground, places the utility line, and closes the break in the ground in a single operation.

Private Status - The status of a utility's facilities, which are situated within public right-of-way by agreement with the County, after the County condemned the utility's easement and did not provide a substitute right-of-way.

Publication 43 - The Department of Transportation, Commonwealth of Pennsylvania's publication, sometimes called "Bulletin 43," containing requirements for the maintenance and protection of traffic on construction projects.

Publication 90 - The Department of Transportation, Commonwealth of Pennsylvania's publication containing regulations governing traffic control of short-term highway work operations

Right-of-way - The area which has been acquired by the County for highway purposes.

Rigid Base Pavement - A pavement structure which distributes loads to the subgrade having as one course a portland cement concrete slab of relatively high bending resistance.

Roadbed - The graded portion of a highway within top and side slopes, prepared as a foundation for the pavement and shoulder.

Roadway - That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder.

Roadway Construction Standards - Pennsylvania Department of Transportation Publication No. 72 containing the Commonwealth's design standards for roadway construction.

Seal Coat - A thin treatment consisting of bituminous or other approved material, usually with cover aggregate, applied to a surface course.

Shoulder - The portion of the roadway, contiguous to the traffic lanes, for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses and pavements.

Subbase - The layers of specified or selected material of designed thickness placed on a subgrade to support a base course.

Subgrade - The top surface of a roadbed upon which the pavement structure and shoulders including curbs are constructed.

Suitable Material - Material meeting specifications for No. 2 RC minimum as determined by the Lackawanna County Engineer's Office which apply on the date the permit is issued.

Supplement - An amendment to a highway occupancy permit issued by the Lackawanna County Department of Roads and Bridges.

Surface Course - One or more layers of a pavement structure designed to accommodate the traffic load, the top layer of which resists skidding, traffic abrasion, and the disintegrating effects of climate. The top layer is sometimes called "Wearing Course."

Tack Coat - An application of bituminous material to an existing surface to provide bond with a superimposed course.

Utility - A person owning an utility facility including any wholly owned or controlled subsidiary.

Utility Facility or Facility - All privately, publicly, or cooperatively owned lines, facilities, and systems for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil, crude products, coal, water, steam, waste, storm water not connected to a municipal or State drainage facility, and other similar commodities including fire and police signal systems and street lighting systems, which directly or indirectly serve the public or any part thereof.

Vehicle - Every device which is or may be moved or drawn upon a highway.

SECTION II: Purpose and Application.

It is in the public interest to regulate the location and construction of utility facilities and other structures within Lackawanna County right-of-way for the purpose of insuring the structural integrity of the highway, economy of maintenance, preservation of proper drainage, and safe and convenient passage of traffic. Nothing contained herein is intended to relax existing safety requirements.

SECTION III: Permit Application Procedure.

(a) **General Rule.** Except as otherwise provided in paragraphs (1), (2), (3) and (4) no work shall be performed within the right-of-way involving the placing of utility facilities or other structures or opening of the surface without first obtaining a permit from the Lackawanna County Department of Roads and Bridges. However, all work performed within the right-of-way shall conform to the applicable provisions of the Pennsylvania

Department of Transportation's Publications No. 43 and 90.

(1) Emergency repairs of utility facilities may be performed by using an emergency permit card issued pursuant to §6 of this Ordinance.

(2) Permit applications shall not be required for modifying parts of existing permitted facilities, such as cable within conduit on nonlimited access highways or cross arms or transformers on poles, provided no surface opening is required.

(3) Permit applications shall not be required for stringing overhead utility lines on nonlimited access highways.

(4) Permit applications shall not be required for accessing an existing utility facility through a manhole except in limited access highway medians or interchange areas.

(5) All work performed on or across any limited access highway shall require a permit.

(b) Who May Execute Applications. If a corporation, authority, political subdivision, or other person in the business of providing utility service owns or operates the facility: the application shall be submitted in the name of and executed by such party. Applications shall not be submitted in the name of contractors of the owner or operator nor in the name of persons being serviced by the facility.

(c) Where to Submit Application. Permit applications shall be submitted to:

(1) The Lackawanna County Department of Roads and Bridges

(d) Required Application Information. Permit applications shall comply with the following:

(1) Shall be submitted in person or by mail on a properly completed Lackawanna County Department of Roads and Bridges Form _____.

(2) Shall be signed by the applicant.

(3) Shall include five sets of plans, of a quality sufficient for microfilming, detailing the location and pertinent dimensions of the opening, the proposed installation, and related highway features. Color coded plans are not acceptable because colors are not distinguishable on photocopies or microfilm. Applications involving limited access highways shall contain plans which satisfy the requirements of the Commonwealth of Pennsylvania, Department of Transportation's Design Manual, Part 5, section 11.02.

(4) Shall be accompanied by a check or money order, payable to the County of Lackawanna, in the appropriate amount as set forth in §4 of this Ordinance (relating to permit fees)

(5) Shall be submitted to the Lackawanna County Department of Roads and Bridges at least 45 days prior to the anticipated start of work.

(e) Blasting Bond. When the applicant anticipates that blasting operations will be necessary in order to perform the permitted work, an executed Accompanying Bond shall be submitted with the application, unless a "blanket" Accompanying Bond is on file with the Lackawanna County Department of Roads and Bridges. The Lackawanna County Department of Roads and Bridges will determine the bond amount.

(f) Traffic Control Plan. A traffic control plan shall be submitted in the following manner:

(1) With the exception of emergency work performed under the authority of §6 (relating to emergency work), the applicant shall submit a traffic control plan for the Lackawanna County Department of Roads and Bridges' approval for all work on limited access highways and whenever it will be necessary to either close any portion of a travel lane during the hours of darkness without work in active progress or detour traffic in order to perform the permitted work.

(2) The Lackawanna County Department of Roads and Bridges may require an applicant to submit a traffic control plan for the approval under other circumstances if significant interference to vehicular or pedestrian traffic or potential hazards may result from the performance of the work.

(3) All traffic control plans shall comply with the applicable provisions of Pennsylvania Department of Transportation's Publications 43 and 90 and shall clearly indicate how the work area, vehicular, and pedestrian traffic will be protected, maintained, and controlled.

(4) All traffic control plans shall be either:

(i) a reference to figures contained in the Pennsylvania Department of Transportation's Publications 43 or 90, provided the referenced figures properly depict the work area and completely addressed the necessary traffic control;

(ii) copies of figures properly contained in the Pennsylvania Department of Transportation's Publications 43 or 90 which have been modified to depict actual site conditions; or

(iii) a detailed drawing, showing all affected routes and proposed traffic control devices.

(g) Penalty for Falsifying Applications. Information provided in applications must be accurate. Section 4904 of the Crimes Code (18 Pa. C.S. §4904), makes it a misdemeanor of the second degree for a person to mislead a public servant in performing an official function by making any written false statement which the person does not believe to be true.

(h) Authority to Reject Application. The Lackawanna County Department of Roads and Bridges will examine and determine the genuineness, regularity, and legality of every

application, and may reject any application if not satisfied as to its genuineness, regularity, or legality, or the truth of any statement contained in the application. The Lackawanna County Department of Roads and Bridges may also make such investigations and require such additional information as it deems necessary.

SECTION IV: Permit Fees.

(a) **Permit Issuance Fees.** Issuance fees shall be used to defray costs incurred by the Lackawanna County Department of Roads and Bridges in reviewing and processing the application and plans, including the preliminary review of the site location identified in the application, and issuing and processing the permit.

(1) Issuance fee - \$50.00

(2) Supplement fee (each six-month time extension) (each submitted change) - \$25.00

(3) Emergency permit card (each card) - \$10.00

(b) **General Permit Inspection Fees.** General inspection fees shall be used to defray costs incurred by the Lackawanna County Department of Roads and Bridges in spot inspections of permitted work or subsequent inspections or both after the permitted work has been completed, to insure compliance with the permit and the provisions of this chapter.

(1) Underground facilities (for example, pipe lines, buried cable with pedestals, conduit, manholes, headwall, inlet, and grate). This fee is calculated on the total linear feet of the facility or facilities being permitted within the right-of-way, regardless of whether the surface is opened.

(i) Physically connected facility or facilities (first 50 feet or fraction thereof) (each section) - \$20.00

(ii) Additional physically connected facilities (each 100 feet or fraction thereof) - \$5.00

(2) Surface openings of less than 25 square feet (for example, service connections performed independently of underground facility installation, pipe line repairs) (each opening) - \$15.00

(3) Above-ground facilities (for example, poles, or guys or anchors if installed independently of poles).

(i) up to ten physically connected above-ground facilities each continuous group - \$20.00

(ii) Additional above-ground physically connected facilities (each pole with appurtenances) - \$2.00

(4) Crossings (for example, overhead tipples, conveyors or pedestrian walk-ways, and undergrade subways or mines) - \$100.00

(5) Seismograph - vibroseis method (for example, prospecting for oil, gas).

(i) First mile - \$50.00

(ii) Each additional mile or fraction thereof - \$5.00

(c) **Exemptions.** Permit issuance fees and general permit inspection fees shall not be payable by any of the following:

(1) The Commonwealth of Pennsylvania.

(2) Political subdivisions of the Commonwealth.

(3) Governmental authorities organized under the laws of the Commonwealth.

(4) The Federal Government.

(5) Utility facility owners for:

(i) The installation of street lights at the request of Lackawanna County or political subdivision.

(ii) The replacement or renewal of their facilities prior to Lackawanna County resurfacing project after notice from the Lackawanna County Department of Roads and Bridges.

(iii) The removal of poles and attached appurtenances.

(iv) Facilities moved at the request of the Lackawanna County Department of Roads and Bridges or political subdivisions.

(v) Reconstructing or maintaining their facilities which occupy the right-of-way under private status.

(d) **Additional Inspection Fees.** If the Lackawanna County Department of Roads and Bridges determines that the permitted work is of sufficient magnitude or importance to warrant assignment of one or more employees to inspect the permitted work on a more than spot inspection basis, the permit will so indicate and the permittee shall be charged for all salary, overhead, and expenses incurred by the Lackawanna County Department of Roads and Bridges for inspection.

(e) **Refunds.** The Lackawanna County Department of Roads and Bridges will refund the general permit inspection fees on unused permits. In order to be eligible to receive such a refund, the permittee shall deliver the request with the permittee's copy of the permit to the issuing district permit office on or before the original expiration date of the permit.

(1) A refund processing fee of \$25 shall be deducted from the general permit inspection fees.

(2) The permit issuance fee shall not be refundable on unused permits.

(f) **Miscellaneous Fees.** The applicant shall pay for notary and recording costs if it is determined by the Lackawanna County Department of Roads and Bridges that the permit shall be recorded in the County Office of the Recorder of Deeds.

SECTION V: Issuance of Permits.

(a) **General Rule.** Upon application duly made, in accordance with the provisions of this chapter, a permit will be issued by the appropriate Lackawanna County office, subject to the provisions of this chapter and the conditions contained on the permit and its attachments and supplements. The permit shall be the applicant's authority to proceed with the work and shall also serve as a receipt for the fees accompanying the application.

(b) **Permit Requiring Agreement/Bond.** Where the applicant will be required to perform a substantial amount of work, the Lackawanna County Department of Roads and Bridges may require the applicant to execute an agreement or bond, or both, as a prerequisite to issuance of the permit. The Lackawanna County Department of Roads and Bridges will determine the bond amount.

(c) **Permit Issued Only to Applicant.** Permits shall only be issued to the applicant as described in §3 (relating to permit application procedure).

(d) **Requesting Permit Time Extension.** A permit shall be valid for a six-month period or multiples thereof as specified on the permit. If the permittee has not completed all authorized work by the completion date specified on the permit, an application shall be submitted requesting a time extension on the permit. If approved, a supplement will be issued by the Lackawanna County Department of Roads and Bridges.

(e) **Work Completion Notification.** When all permitted work has been completed, the self-addressed post card which accompanies the permit shall be mailed to the Lackawanna County Department of Roads and Bridges.

(f) **Permanent Permit Microfilm Record.** The permit together with plans, relevant correspondence, and any supplements issued shall be microfilmed, and the microfilm record shall be retained in the permit office.

SECTION VI: Emergency Work

(a) **General Rule.** Emergency repairs involving the placing of facilities or opening of the surface within the right-of-way may be performed prior to obtaining a permit provided the following procedure is adhered to:

(1) The utility facility owner shall immediately notify the Lackawanna County Department of Roads and Bridges by telephone, when the necessity for an emergency repair occurs during the hours of 8 a.m. to 4 p.m., Monday through Friday. Emergency work occurring at other times shall be reported to the office on the following work day.

(2) Prior to opening the surface or placing utility facilities within the right-of-way, the utility work crew shall enter the following information on the emergency permit card in legible handwriting, using indelible ink:

- (i) Date emergency work is started.
- (ii) Time emergency work is started.
- (iii) Location of emergency work site.
- (iv) Description of emergency work.

(3) The completed, original emergency permit card shall be located at the work site and shall be available for inspection by any police officer or representative of the Lackawanna County Department of Roads and Bridges. Reproduced copies of the original card shall not be valid.

(4) A permit shall be applied for within 15 days to confirm and set forth, in detail, any work performed. The application number shall then be entered on the emergency permit card by the applicant.

(5) All work performed under authority of an emergency permit card shall conform to the provisions of this chapter; see in particular §7 (relating to general conditions), §8 (relating to special conditions - subsurface operations), and §9 (relating to special conditions, above-ground facilities).

(b) **Use of Card.** Each emergency permit card shall be valid for two years or 25 emergency repairs, whichever occurs first.

(1) Emergency permit cards may be obtained by submitting an application to the Lackawanna County Department of Roads and Bridges Office, listing thereon the number of emergency permit cards desired.

(2) The utility shall be responsible for assigning the proper emergency permit cards to its work crews.

(3) Each emergency permit card shall be returned to the issuing office within 15 days after either the 25th emergency repair authorized by the card or two years from the card issuance date, whichever occurs first.

(c) **Exceptions.** Emergency repairs to utility facilities within the right-of-way shall not require an emergency permit card in the instances listed in this subsection; however, the applicable provisions contained in the Pennsylvania Department of Transportation's Publications 43 and 90 shall be adhered to:

- (1) Stringing overhead utility lines on nonlimited access highways.
- (2) Accessing an existing utility facility through a manhole except in limited access highway medians or interchange areas.

SECTION 7: General Conditions.

The following conditions shall apply to permits issued under the provisions of this Ordinance:

(1) **Scope of Permit.** The permit shall be binding upon the permittee, its agents, contractors, successors, and assigns.

- (i) The permittee shall be responsible for causing compliance with all terms

and conditions of the permit by its employees, agents, and contractors.

(ii) The permit shall be located at the work site and shall be available for inspection by any police officer or representative of the Lackawanna County Department of Roads and Bridges.

(iii) The permit shall be maintained by the permittee as a permanent record and remain in effect, subject to the permit conditions and the provisions of this Ordinance, as long as the permittee's facilities authorized by the permit occupy the right-of-way.

(iv) Responsibility for compliance with the terms of the permit may not be assigned or transferred by the permittee without first obtaining approval from the Lackawanna County Department of Roads and Bridges. In the event a permit is assigned or transferred without first obtaining approval, the assignment or transfer shall be null and void. Any facility installed under the authority of the said permit shall be subject to removal at the expense of the applicant to which the permit was issued or its assignees, or both.

(v) The permittee shall be principally liable to the Lackawanna County Department of Roads and Bridges for any failure to comply with the permit and the provisions of this Ordinance. The principal liability of the permittee to the Lackawanna County Department of Roads and Bridges shall not preclude the permittee or the Lackawanna County Department of Roads and Bridges from bringing any action against the permittee's contractor, subcontractor, engineer, architect, assignee, or any other person.

(vi) The permittee shall be the only party in interest in any action against the Lackawanna County Department of Roads and Bridges involving disputes arising from the permit.

(vii) Disputes between the permittee and the Lackawanna County Department of Roads and Bridges shall be governed by the rights and remedies applicable thereto to the Court of Common Pleas of Lackawanna County.

(2) **Additional Restrictions.** All work authorized by the permit shall be subject to:

(i) All applicable laws, rules and regulations, including but not limited to:

(A) The act of October 26, 1972 (P.L. 1017, No. 247) (53 P.S. §1611), concerning environmental control measures related to pollution and the preservation of public natural resources.

(B) The act of December 10, 1974 (P.L. 852, No. 287) (73 P.S. §§176-182), concerning protection of the public health and safety by preventing excavation or demolition work from damaging underground utility facilities.

(C) O.S.H.A. construction safety and health regulations, 39 Fed. Reg. 22801, June 24, 1974, as published in the Federal Register (29 C.F.R. §1926.1 et seq.).

(D) Title VI, Civil Rights Act of 1964 (23 U.S.C. §§140 and 315) as implemented by 39 C.F.R. §1.48(B) 24 (23 C.F.R. §238.101 et seq.).

(E) The Federal Highway Program Manual - Volume 6, Chapter 6, section 3.

(ii) Any rights of any person.

(iii) The conditions, restrictions, and provisions of the permit.

(3) **Work to Conform to the Lackawanna County Department of Roads and Bridges' Standards.** The work shall be done at such time and in such a manner as shall be consistent with the safety of the public and shall conform to all requirements and standards of the Lackawanna County Department of Roads and Bridges. If at any time it shall be found by the Lackawanna County Department of Roads and Bridges that the work is not being done or has not been properly performed, the permittee upon being notified in writing, shall immediately take the necessary steps, at his own expense, to place the work in condition to conform to such requirements or standards. In case any dispute arises between the permittee and the Lackawanna County Department of Roads and Bridges, the Lackawanna County Department of Roads and Bridges shall have the authority to suspend work until the question at issue may be referred to and be decided by the the Lackawanna County Department of Roads and Bridges.

(4) **Permittee Responsibilities.** Permittee responsibilities shall include the following:

(i) The permittee shall pay all costs and expenses incident to or arising from the project, including the prescribed fees for same, the cost of making and maintaining temporary restoration of the disturbed areas, and making permanent restoration. The permittee shall reimburse the Lackawanna County Department of Roads and Bridges for any and all inspection costs which the Department may deem it necessary to incur within 30 days after receipt of that office's invoice.

(ii) In the event of failure or neglect by the permittee to perform and comply with the permit or the provisions of this chapter, the Lackawanna County Department of Roads and Bridges may immediately revoke and annul the permit and order and direct the permittee to remove any or all structures, equipment, or property belonging to the permittee or its contractors or both from the legal limits of the right-of-way and to restore the right-of-way to its former condition. In the event the Lackawanna County Department of Roads and Bridges determines that such structures, equipment, or property pose a threat to the public safety and the permittee fails to remove the same after notice to do so, the Lackawanna County Engineer, his attorneys, or any attorney of any court of record shall be authorized to appear for the permittee, and to enter an amicable action of ejectment and confess judgment against the permittee; and the attorney shall be authorized to issue forthwith a writ of possession with a clause of fieri facias for costs, without leave of

court.

(iii) If work is stopped on a project for any reason, other than at the end of any normal work day, and any ditch or trench, in the opinion of the Lackawanna County Department of Roads and Bridges, remains open for an unreasonable period, the permittee, if so directed, shall refill the ditch or trench and work shall not be resumed until the permittee is prepared to proceed immediately with the work to its completion. In the event the permittee fails to refill the ditch or trench or proceed until completion of the work upon notice from the Lackawanna County Department of Roads and Bridges to do so, the Lackawanna County Department of Roads and Bridges may perform the necessary and required work and shall be reimbursed for the costs by the permittee within 30 days after receipt of the Lackawanna County Department of Roads and Bridges' invoice.

(iv) If the permittee, after making an opening in the surface to place or repair a facility or for any other purpose, fails to restore any portion of the right-of-way to conform with this section and §8 (relating to special conditions - subsurface operations) and §9 (relating to special conditions, above-ground facilities) upon notice from the Lackawanna County Department of Roads and Bridges to do so, the Lackawanna County Department of Roads and Bridges reserves the right to do the work and the permittee shall reimburse the Lackawanna County Department of Roads and Bridges for the costs within 30 days after receipt of the invoice.

(5) **Altering Vegetation Prohibited.** The permits shall not authorize the permittee to cut, remove, or destroy trees or shrubbery within the legal limits of the highway.

(6) **Altering Drainage Prohibited.** Altering drainage shall be prohibited by the following conditions:

(i) Unless specifically authorized by the permit, the permittee shall not:

(A) Alter the existing drainage pattern or the existing flow of drainage water.

(B) Direct additional drainage of surface water toward, onto, or into or in any way affect the highway right-of-way or highway facilities.

(ii) The permit shall not authorize the permittee to direct, divert, or otherwise drain surface waters over the property of any other property owner.

(A) The permit shall not in any way relieve the permittee from acquiring the consent, permission, or other authorization from any property owner which the Lackawanna County Department of Roads and Bridges determines may be adversely affected by drainage alterations.

(B) The permittee shall be responsible for any damage caused to any property owners as a result of work done under the permit.

(iii) a permit will not be issued to authorize the discharge of water into the right-of-way unless the Lackawanna County Department of Roads and Bridges determines the water to be natural surface drainage.

(7) **Equipment damaging highway.** Highways shall be protected by the following types of equipment:

(i) To protect the pavement and shoulders, all equipment shall have rubber wheels or runners and shall have rubber, wood, or similar protective pads between the outriggers and the surface unless otherwise authorized by the permit.

(ii) In the event that other than rubber equipped machinery is authorized for use, the pavement and shoulders shall be protected by the use of matting, wood, or other suitable protective material having a minimum thickness of four inches, unless the permit requires the permittee to repave the roadway full width.

(iii) If the equipment damages the pavement or shoulders, the permittee shall restore the pavement or shoulders to their former condition, at the expense of the permittee.

(8) **Traffic Protection and Maintenance.** Maintenance and protection of traffic shall be carried out by the permittee in accordance with (75 Pa. C.S. §6123), the approved traffic control plan, and the applicable provisions of the Pennsylvania Department of Transportation's Publications 43 and 90.

(9) **Highways under Construction.** No permit application shall be approved for occupancy of a section of right-of-way within which a highway construction or reconstruction project is underway, or if a contract for such a project has been let, until the project is completed and accepted by the Lackawanna County Department of Roads and Bridges, unless such applications are accompanied by a duly attested certificate signed by the contractor or other authority constructing the project, consenting to the proposed work of the applicant within the right-of-way, together with a waiver, release, and quitclaim to the Lackawanna County Department of Roads and Bridges of all damages and all defenses whatsoever for delays by reason of such work and occupation of the right-of-way by the permittee, or from any cause whatsoever resulting by reason of such work and occupation. The provisions of this paragraph shall not apply:

(i) In case of emergency; in such case, the permittee shall procure the consent of the Lackawanna County Department of Roads and Bridges to do such work as may be deemed necessary to correct the existing emergency condition in accordance with §6 of this Ordinance (relating to emergency work); and

(ii) Where the permittee has been authorized by the Lackawanna County Department of Roads and Bridges to relocate or adjust their facilities simultaneously with

such highway construction in accordance with applicable provisions of the Pennsylvania Department of Transportation's Design Manual, Part 5.

(10) Sharing Facilities. Sharing facilities shall consist of the following:

(i) Above-Ground. Notwithstanding paragraph (1)(iv) the permittee may authorize others to share and use the facility or facilities already authorized by a permit, on other than limited access highways, provided the permittee at all times shall:

(A) Require and be responsible for insuring that all attachments by others to its facilities are in accordance with the provisions of this chapter.

(B) Be liable and responsible for the attachments by others to the same extent as the facilities of the permittee.

(C) Enter into a written agreement with all others attaching to its facilities permitting such use, and retain the written agreement for inspection by the Lackawanna County Department of Roads and Bridges during normal working hours.

(ii) Subsurface. The application shall identify any other utility's facility that will be sharing a trench or structure with the facilities of the applicant.

(11) Limited Access Right-Of-Way. No utility shall conduct any operations, including maintenance or inspection of existing facilities, within limited access right-of-way without first obtaining a permit, except for an emergency which is regulated by §6 (relating to emergency work).

(i) Occupancy. Facility occupancy of limited access right-of-way shall comply with the Pennsylvania Department of Transportation's Design Manual, Part 5.

(ii) Access. Access for servicing, maintenance, or inspection of facilities shall be made from outside the extent of limited access unless specified on the permit.

(12) Indemnification. The permittee shall fully indemnify and save harmless and defend - if required - the County of Lackawanna, its agents and employees, of and from all liability for damages or injury occurring to any person or persons or property through or in consequence of any act or omission of any contractor, agent, servant, employee or person engaged or employed in, about, or upon the work, by, at the instance, or with the approval or consent of the permittee; from any failure of the permittee or any such person to comply with the permit or the provisions of this Ordinance; and, for a period of two years after completion of the permitted work, from the failure of the highway in the immediate area of the work performed under the permit where there is no similar failure of the highway beyond the area adjacent to the area of the permitted work.

(13) Insurance. The permittee shall, upon request, submit to the Lackawanna County Department of Roads and Bridges a certificate or certificates of insurance for public liability and property damage, in form and amount satisfactory to the Lackawanna County Department of Roads and Bridges, to cover any loss that may be incurred for or on account of any matter, cause, or thing arising out of the construction, reconstruction, repair, relocation, or installation of the permitted structures or facilities.

(14) Blasting. No predrilling or blasting shall be permitted within the right-of-way, unless authorized by the permit.

(i) If the permittee proposes to blast, the permittee shall make, execute, and deliver a bond to the Lackawanna County Department of Roads and Bridges in an amount determined by the Lackawanna County Department of Roads and Bridges with surety by a company duly registered and authorized to do business in the Commonwealth, conditioned that the County of Lackawanna will save harmless from any damages whatsoever to the improved area until the completion of the last work covered by the permit.

(ii) An applicant who proposes to blast under authority of several permits may execute a blanket bond with surety, or without surety provided the Lackawanna County Department of Roads and Bridges accepts the applicant's financial statement as evidence of sufficient security. The amount of each blanket bond will be determined by the Lackawanna County Department of Roads and Bridges.

(iii) When blasting is anticipated within 100 feet of any bridge, box, or culvert, a detailed plan of excavating, shoring, blasting, and backfilling procedures shall be submitted, with the application, to the Lackawanna County Department of Roads and Bridges' Office for review and approval.

(iv) No blasting shall be permitted if within 25 feet of the nearest part of a bridge, box or culvert.

(v) Only controlled blasting shall be permitted within the improved area.

(15) Maintaining Structure or Facility. As long as the permittee operates and leaves in place any structures or facilities, in, upon, or along the right-of-way, the permittee shall maintain and keep them in good order and repair.

(16) Damaged Structure or Facility to be Repaired. If at any time the structure or facility shall become damaged from any cause whatsoever the permittee shall have it removed, repaired, or otherwise made safe immediately upon notification from the Lackawanna County Department of Roads and Bridges.

(17) Damage to Highway. Responsibility of the permittee for damage to highway shall comply with the following:

(i) If there is a failure of the highway, including slope or any other appurtenance thereto, in the immediate area of the permitted work within two years after the completion of the permitted work and there is no similar failure of the highway beyond the area adjacent to the area of the permitted work, permittee shall have absolute responsibility to make all temporary and permanent restoration including restoration of the

adjacent area if it has also failed.

(ii) If there is a failure of the highway, including slope or any other appurtenance thereto, in the area adjacent to the immediate area of the permitted work within two years after the completion of the permitted work and there is no similar failure of the highway in the area of the permitted work or beyond the area adjacent to the area of the permitted work, it shall be presumed that the work done by the permittee was the proximate cause of the failure and the permittee shall be responsible to make all temporary and permanent restoration unless the presumption is rebutted by clear and convincing evidence.

(iii) If there is a failure of the highway, including slope or any other appurtenance thereto, in the immediate area of the permitted work, which occurs more than two years but no more than five years after the completion of the permitted work, and there is no similar failure of the highway beyond the area adjacent to the area of the permitted work, it shall be presumed that the work done by the permittee was the proximate cause of the failure and the permittee shall be responsible to make all temporary and permanent restoration, including any failure of the adjacent area if it has also failed, unless the presumption is rebutted by clear and convincing evidence.

(iv) If there is a failure of the highway, including slope or any other appurtenance thereto, in the area adjacent to the immediate area of the permitted work, which occurs more than two years but no more than five years after the completion of the permitted work, the permittee shall be responsible to make all temporary and permanent restoration if the permitted work was the proximate cause of the failure.

(v) Consequential damages. If the permitted work is the proximate cause of damage to the highway, including slope or any other appurtenance thereto, beyond the adjacent area, the permittee shall be responsible for all remedial work and shall make all temporary and permanent restoration.

(vi) Where the permittee has the responsibility to restore the highway, including slope or any other appurtenance thereto, under subparagraphs (i) - (v), including instances where a presumption of responsibility has not been rebutted, the permittee shall have the duty to restore the improved area in accordance with the permit. If the permittee fails to restore the improved area properly, the Lackawanna County Department of Roads and Bridges will have the authority to do the work at the expense of the permittee. The permittee shall reimburse the Lackawanna County Department of Roads and Bridges for the costs incurred within 30 days after receipt of the Lackawanna County Department of Roads and Bridges' invoice.

(18) **Future Highway Changes.** If at any time in the future the highway is altered for public convenience or necessity, the permittee shall at his own cost and expense, change or relocate all or any part of the structures or facilities authorized by the permit which interfere with such highway alterations or which is inconsistent with the purpose of the highway alterations.

(19) **Approval By Inspector.** Approval by the inspector of the Lackawanna County Department of Roads and Bridges of all or part of any permitted work shall not constitute acknowledgment that the work was performed in accordance with the permit, nor shall such approval of the inspector act as a release of the permittee or waiver by the Lackawanna County Department of Roads and Bridges of its right to seek performance or restitution from the permittee.

SECTION 8: Special Conditions - Subsurface Operations.

(a) **Drilling, Boring, Driving, or Tunneling Across Improved Area.** Drilling, boring, driving, or tunneling across improved areas shall comply with the following conditions:

(1) When crossing under any improved area, the opening for an utility facility shall be drilled, bored, driven, or tunneled on a horizontal plane at a minimum depth of three feet from the surface of the highway and its swale ditches to the top of the opening.

(i) If the facility is more than 12 inches in diameter, the bored cylindrical space surrounding the facility shall be filled with grout.

(ii) Wet boring shall be prohibited.

(2) No openings for the purpose of placing utility facilities or other structures under the improved area by drilling, boring, driving, or tunneling shall be made closer than three feet to the edge of the roadway, unless the permit authorizes a lesser clearance.

(3) Facilities and other structures crossing under the improved area shall be constructed so as to assure the safety of the traveling public and to preclude the necessity of entering upon the improved area to effect future maintenance or replacement.

(b) **Trenching Across Improved Area.** Trenching across improved area shall consist of the following:

(1) No trenching shall be permitted across the improved area, unless authorized by the permit.

(2) Trenching across the improved area may be authorized by the permit where drilling, boring, driving, or tunneling are not feasible because:

(i) The subsurface is solid rock.

(ii) There are other facilities located longitudinally under the improved area and their location precludes methods other than trenching.

(iii) Adjacent development in a very congested urban area makes the

construction of a tunneling or boring shaft impossible.

(3) When trenching is specified in the permit, the trenching operation shall be performed by one of the following two methods:

(i) Utility facility placed in one piece across highway.

(A) Traffic shall be routed over $\frac{1}{2}$ of the pavement width.

(B) The closed half of the pavement shall be opened to the required depth and bridged with steel plates.

(C) Traffic shall be shifted to the bridged half of the pavement.

(D) The remaining half of the pavement shall be opened to the required depth.

(E) The facility shall be placed full width.

(F) The open trench shall be backfilled and restored half-width in accordance with the provisions of this section.

(G) Traffic shall be shifted to the restored half of the pavement.

(H) The bridging shall be removed and the remaining half of the trench shall be backfilled and restored in accordance with the provisions of this section.

(ii) Utility facility placed in more than one piece across highway.

(A) Traffic shall be routed over $\frac{1}{2}$ of the pavement width.

(B) The closed half of the pavement shall be opened to the required depth, the facility placed and the trench backfilled and restored in accordance with the provisions of this section.

(C) Traffic shall be shifted to the restored half of the pavement.

(D) The remaining half of the pavement shall be opened to the required depth, the facility placed, and the trench backfilled and restored in accordance with the provisions of this section.

(c) **Trench Openings Parallel to Highway.** Requirements for trench openings parallel to highway shall be as follows:

(1) Trench openings for utility facilities and other structures shall be made so that the near edge of the opening is at least three feet outside the edge of the roadway unless the permit authorizes a lesser clearance, with a minimum depth of three feet from the surface to the top of the facility.

(2) On an unpaved highway, the near edge of the trench opening shall be at least 12 feet from the general center line of the traveled highway, or as authorized in paragraph (1). The center line shall be determined by the Lackawanna County Department of Roads and Bridges' Office.

(3) No trench opening shall be made for a distance of more than 200 feet at any one time, unless authorized by the permit. In addition, no more than 40 feet of trench shall be left open on the shoulder of a highway at the end of any work day, unless authorized by the permit.

(d) **When Plates or Bridging Required.** Except for emergency repairs of utility facilities, work shall be stopped prior to peak traffic hours that exist on a particular highway on a particular day. Steel plates or bridging shall be placed over all openings made within the improved area which are less than six feet in either length or width when work is stopped. The plates or bridging shall be extended a minimum of 18 inches from each edge of the opening and shall be secured in a safe manner.

(e) **Plowing Operations.** Plowing operations shall comply with the following:

(1) No plowing shall be permitted within the right-of-way, unless authorized by the permit.

(2) Plowing operations shall be authorized only in unpaved shoulders.

(3) Plowing operations shall not be allowed from November through March inclusive, unless authorized by the permit.

(4) No plowing shall be permitted within three feet from the edge of the roadway. A greater distance shall be attained wherever possible.

(5) The opening shall be a minimum depth of three feet. If this depth cannot be consistently maintained, the proper depth shall be achieved by trenching.

(6) The utility facility shall be installed under any structures that are less than three feet deep. All disturbed structures shall be repaired or replaced by the permittee.

(7) The disturbed area shall be restored in conjunction with the plowing operation. If heaving occurs, the disturbed area shall be reshaped, backfilled with No. 2 RC, and compacted until the disturbed area is restored to a condition equal to that which existed before plowing.

(f) **Disposition of Materials.** The responsibility of the permittee for disposition of materials shall be as follows:

(1) The permittee shall keep the improved area free of all material which may be deposited by vehicle traveling upon or entering onto the highway during the performance of work authorized by the permit.

(2) The permittee shall be responsible for controlling dust conditions created by its own operations.

(3) All excess material and material that is not suitable for backfill shall be removed and disposed of outside the right-of-way as the work progresses.

(4) All retained suitable material shall be placed or stored on the side of the operation farthest from traffic, unless otherwise authorized by the permit, and in such a

manner that there will be no interference with the flow of water in any gutter, drain, pipe, culvert, ditch, or waterway.

(g) **Backfilling.** All openings made in the improved area shall be backfilled by the permittee in accordance with the following minimum standards.

(1) The openings shall first be backfilled with material suitable for insulation to a height not to exceed one foot over the top of the facility, compacted in not more than four-inch layers.

(2) The opening shall then be backfilled with either No. 2 RC aggregate, retained suitable material, or other material specified in the permit, and compacted throughout its full width in layers not to exceed four inches if a tamper or wacker is used or in layers not to exceed eight inches if approved vibratory compaction equipment is used.

(3) Compaction shall be completed to the bottom elevation of the existing pavement. However, if subbase is part of the pavement structure, compaction shall be completed to within eight inches of the subbase and an approved impervious material shall then be placed to the bottom elevation of the existing subbase in four-inch compacted layers, prior to replacing the subbase to its existing elevation.

(4) The Lackawanna County Department of Roads and Bridges may require the permittee to have material proposed for use as backfill tested for conformance to the Pennsylvania Department of Transportation's Compliance Form 408.

(h) **Restoration of Flexible Base Pavements.** Base and surface restoration of flexible base pavements shall be done in accordance with one of the two methods listed below, as specified in the permit:

(1) High early strength concrete restoration method. Prior to replacement of the base course, one foot from each edge of the trench shall be sawed or cut, in a neat straight line, to the bottom elevation of the existing base course, and the detached material shall be removed. Drilling shall not be permitted.

(i) The base course shall be replaced with a minimum of eight-inch, high early strength concrete to the elevation of the existing crushed aggregate base course. The high early strength concrete shall then be cured in accordance with Pennsylvania Department of Transportation's Form 408, section 501.3(n). If a trench exceeds four feet in width, No. 6 reinforcing bars shall be installed in the concrete base course, placed at six-inch centers measured longitudinally in the direction of the trench, with a two-inch clearance on each end and a three-inch clearance on the bottom.

(ii) Following the concrete curing, a tack coat of E-1 bituminous material or SR tack coat shall be applied in accordance with Pennsylvania Department of Transportation's Form 408, section 460.

(iii) After the tack coat has cured, the bituminous binder or wearing course or both shall be placed so as to conform to the existing type of road binder and wearing courses.

(2) Ninety day temporary restoration method. Prior to making the permanent restoration, one foot from each edge of the trench shall be sawed or cut, in a neat straight line, to the bottom elevation of the existing base course, and the detached material shall be removed. Drilling shall not be permitted.

(i) Temporary restoration shall be made and kept in place for a minimum of 90 days. The base material shall consist of either a minimum eight-inch stone base, a minimum five-inch aggregate bituminous base, a minimum five-inch aggregate lime pozzolan, or a minimum four-inch bituminous concrete, with a surface of two-inch bituminous material. Where the existing pavement structure includes a course of subbase material, it shall be replaced to a depth equal to the existing course depth with material meeting the requirements of Pennsylvania Department of Transportation's Form 408, section 350.

(ii) After the minimum 90 day period, but before 210 days, the temporary restoration shall be removed and permanent restoration made.

(iii) The permanent base course shall consist of bituminous concrete meeting the requirements of Pennsylvania Department of Transportation's Form 408, section 305 and having a minimum depth of five inches or a depth equal to the existing base course, whichever is greater.

(iv) The permanent binder and surface course shall be placed in accordance with the depths of the existing bituminous surface, but in no case shall the binder course be less than 1½ inches ID-2 and the wearing course be less than one inch ID-2 or FJ-1.

(j) **Restoration of Plain or Reinforced Cement Concrete Pavements.** Prior to replacement of the base, one foot from each edge of the trench shall be sawed or cut, in a neat straight line, to a depth of at least three inches, and the detached material shall be removed. Drilling shall not be permitted where sawing or cutting is required.

(1) The replacement base shall consist of high early strength concrete equal in depth to the original concrete pavement.

(2) On existing reinforced cement concrete pavements, reinforcing steel and expansion tie bolts shall be placed in accordance with Roadway Construction Standard RC-26 of the Pennsylvania Department of Transportation.

(3) The surface shall be restored as follows:

(i) The surface shall be cured in accordance with Pennsylvania Department of Transportation's Form 408, section 501.3(n). After surface corrections have been completed and just before the concrete becomes non-plastic, the surface shall be given a textured finish in accordance with Pennsylvania Department of Transportation's Form 408, section

501.3(m)4.

(ii) Surface restoration of a cement concrete pavement which has a bituminous surface shall be done in accordance with subsection (h)(1).

(k) **Shoulder Restoration.** Shoulder restoration shall comply with the following:

(1) Paved and stabilized shoulders. Paved and stabilized shoulders shall be reconstructed and restored to a serviceable condition, of the same type as existed before the start of work.

(2) Other shoulders. Other shoulders shall include:

(i) Suitable material shall be used for backfill of openings in shoulders.

(ii) If the length of the facility exceeds 50 feet, the shoulder shall be grade, rolled, and penetrated with RT-2C or MC-30 bituminous material at a minimum rate of .25 gallon per square yard and chipped or lightly sanded to prevent tracking of oil onto the pavement.

(1) **Paint Identification.** Upon completion of temporary and permanent pavement restoration, the restoration date shall be painted either on or immediately adjacent to the restored cut. The painted date shall indicate the month and year numerically. The numerals shall be at least six inches in height. The paint shall be of a durable wearing quality and shall be color coded as follows:

blue (water), yellow (gas-petroleum), red (electric), orange (communications), and green (sewer).

(m) **Appurtenances to Underground Installations.** Appurtenances to underground installations shall include:

(1) The top of every manhole, valve box, or other access to the facility, shall be the same elevation as the surface in which it is located.

(2) The surface surrounding manhole or valve covers located in shoulders shall be paved in such a manner as to prevent washouts.

(3) All manholes, including those cast-in-place, shall be constructed in compliance with current industry standards and Pennsylvania Department of Transportation's Form 408, section 713.2(c).

(n) **Additional Restoration.** Additional restoration shall include:

(1) All disturbed portions of the highway, including all appurtenances and structures such as guardrails or drain pipes, shall be restored to a condition equal to that which existed before the start of any work authorized by the permit.

(2) If the permittee opens any highway pavement having a bituminous concrete surface, whether to install a new facility or to modify an existing facility or for any reason other than to make up to five emergency openings in the highway pavement pursuant to §6 of this Ordinance (relating to emergency work), and the wearing course is less than five years old, the permittee shall, in addition to the restoration conditions outlined in the permit and in this section, overlay the highway pavement in accordance with the following conditions:

(i) When a longitudinal opening longer than ten feet and wider than three feet is made in the highway pavement, the permittee shall overlay the traffic lanes in which the opening was made, for the entire length of highway that was opened as directed by the Lackawanna County Department of Roads and Bridges.

(ii) When two or more transverse trench openings are made in the highway pavement less than 100 feet apart, the permittee shall overlay all traffic lanes in which the openings were made, for the entire length of highway between such openings as directed by the Lackawanna County Department of Roads and Bridges.

(iii) When five or more emergency openings have been made by the same permittee in the highway pavement less than 100 feet apart within five years of the last resurfacing by the Lackawanna County Department of Roads and Bridges, the permittee shall overlay all traffic lanes in which the openings were made, in accordance with the Lackawanna County Department of Roads and Bridges' Maintenance Manual, for the entire length of highway between such openings.

(iv) Where disturbed lanes adjacent to undisturbed lanes are overlaid, the edge of the disturbed lane shall be saw cut to a depth of 1½ inches for the length of the opening and the detached material removed, in order to insure a smooth joint. A full width overlay may be performed instead of saw cutting and stripping the disturbed lane or lanes.

(v) Where disturbed lanes adjacent to shoulders are overlaid, the shoulder shall be raised so that the overlaid pavement and shoulder edges are at the same elevation.

(3) Regardless of the age of the wearing course:

(i) When both longitudinal and transverse trench openings are made in the highway pavement, the Lackawanna County Department of Roads and Bridges may require the permittee to overlay all traffic lanes in which such openings were made, for the entire length of highway that was opened, if the Lackawanna County Department of Roads and Bridges' Office determines that the present serviceability index of the highway has been impaired by the openings; or

(ii) When five or more openings are made by the same permittee in the highway pavement less than 100 feet apart, the Lackawanna County Department of Roads and Bridges may require the permittee to overlay the entire disturbed area.

SECTION 9: Special conditions, above-ground facilities.

(a) **General Rule.** Permits will not be issued to install above-ground facilities at locations which the Lackawanna County Department of Roads and Bridges determines to have

a high accident potential.

(b) **Location of Above-Ground Facilities.** Location of above-ground facilities shall be:

(1) Within nonlimited access right-of-way.

(i) New poles, guys, and other above-ground facilities shall be installed outside the clear roadside area of the highway as near the right-of-way line as practicable in accordance with section 9.08 B(1.) of the Pennsylvania Department of Transportation's Design Manual, Part 5.

(ii) Replacement of poles, guys, and other above-ground facilities shall comply with section 9.08 B(2. and 3.) of the Pennsylvania Department of Transportation's Design Manual, Part 5.

(iii) Installation of poles, guys, and other above-ground facilities locations where highway curb exists shall comply with section 9.08 b(4.) of the Pennsylvania Department of Transportation's Design Manual, Part 5.

(2) Installation of poles, guys, and other above-ground facilities within limited access right-of-way shall comply with applicable provisions of the Federal Highway Program Manual - Volume 6, Chapter 6, section 3; the A.A.S.H.T.O. "Policy on the Accommodation of Utilities on Freeways"; and Pennsylvania Department of Transportation's Design Manual, Part 5.

(c) **Location of Wires, Cables, or Conductors.** All wires, cables, or conductors which overhang any portion of the right-of-way shall be placed so as to provide a minimum vertical clearance of 18 feet over the roadway, except where the National Electrical Safety Code requires vertical clearances in excess of 18 feet due to voltage or span lengths.

(d) **Guys.** Guys shall be placed and insulated in the following manner:

(1) Guys shall be placed so as to avoid interference with vehicular or pedestrian traffic.

(2) Guys shall be insulated or grounded in compliance with the National Electrical Safety Code.

(e) **Identification of Poles.** Each pole shall bear the name or initials of the facility owner and the pole numbers assigned by the facility owner.

(f) **Seismograph-Vibroseis Method.** Seismograph-vibroseis method shall comply with:

(1) Seismograph operations by other than the vibroseis method shall not be permitted.

(2) Permits shall not be issued to authorize seismograph operations within limited access highway right-of-way.

(3) Wherever possible, seismograph operations shall be performed entirely off the roadway to lessen interference to traffic.

SECTION 10: Record Examination.

All permit records, restoration records, and emergency work records shall be made available for examination by the Commonwealth and appropriate Federal agencies upon request.

SECTION 11: Penalties and Enforcement.

(a) **General Rule.** Any violation of the provisions of this Ordinance or the permit requirements shall constitute grounds for imposition of any or all of the following penalties:

(1) Upon receipt of oral or written notice of any violations from the authorized representative of the Lackawanna County Department of Roads and Bridges or a police officer whose jurisdiction includes the permitted work area, the permittee shall cease to perform any further work in the permitted area except to restore the area to a safe condition. No further work shall commence in the permitted area until the violations have been remedied. Where the permittee has received oral notice of the violations, written notice shall be sent to the permittee within ten days of receipt of the oral notice.

(2) Confiscation of the applicant's permit or emergency permit card by any police officer or authorized representative of the Lackawanna County Department of Roads and Bridges.

(3) Revocation of the applicant's permit or emergency permit card by the Lackawanna County Department of Roads and Bridges.

(4) Removal of facilities installed without a permit or in violation of the provisions of this chapter.

(5) Such fines, imprisonment, or other penalties as are provided by law.

(6) Such other action as may be deemed necessary or proper after consultation with the Lackawanna County Solicitor's Office.

(b) **Additional Grounds for Revocation.** The Lackawanna County Engineer may revoke a permit whenever he determines that the permitted facility constitutes a hazard to traffic or interferes with the proper use of the highway by the Lackawanna County Department of Roads and Bridges or the public.

SECTION 12: Effective Date.

This Ordinance shall become effective thirty (30) days after passage.

COUNTY OF LACKAWANNA


JOSEPH J. CORCORAN


RAY A. ALBERIGI


JOHN SENIO

ATTEST:


GERALD L. STANVITCH,
ADMINISTRATIVE DIRECTOR