

0020

Utah Power & Light Company
107 West North Temple
P.O. Box 889
Salt Lake City, Utah 84110

Val
Example of Process of Application

June 24, 1986

Mr. Rex Funk
Superintendent
Emery County Road Department
P. O. Box 889
Castle Dale, Utah 84513

Re: Roadway Encroachment Permit Application

Dear Mr. Funk:

Submitted is Utah Power & Light Company's application for a roadway encroachment permit accompanied with a check in the amount of \$10.00 to cover the processing fee.

Said permit application is to allow UP&LCO permission to encroach the right of way of the Deer Creek Canyon county road during the installation of an eight inch (8") water supply line traversing from the Huntington Plant raw water pond to the Deer Creek Mine.

Enclosed is a map showing the route of the eight inch (8") pipeline along with two 8½" x 11" drawings of typical cross-sections.

Work is anticipated to commence on or about July 2, 1986.

If you have any question please call me at 535-4225.

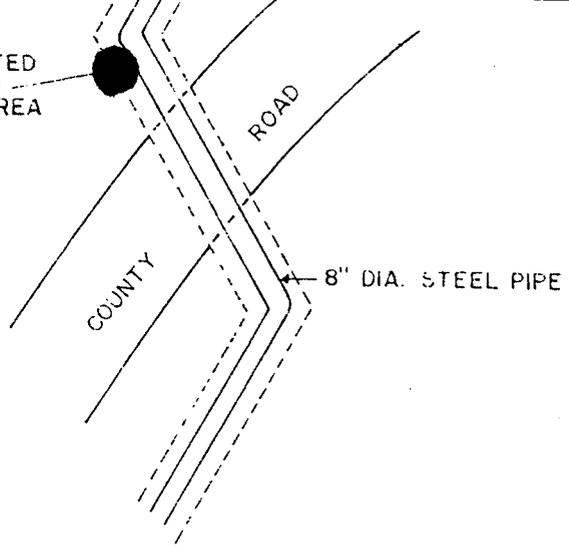
Sincerely,



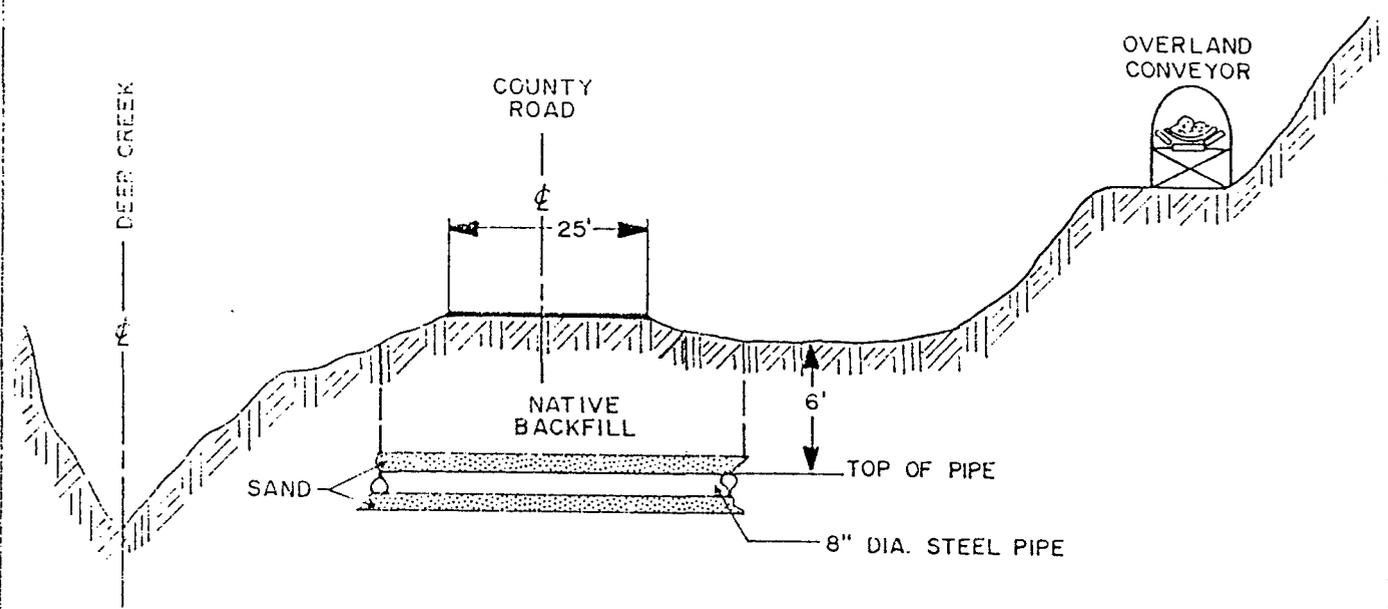
C. E. Shingleton
Director of Permitting,
Compliance & Services
Mining Division

CES:SMC:bb:5437
Enclosure

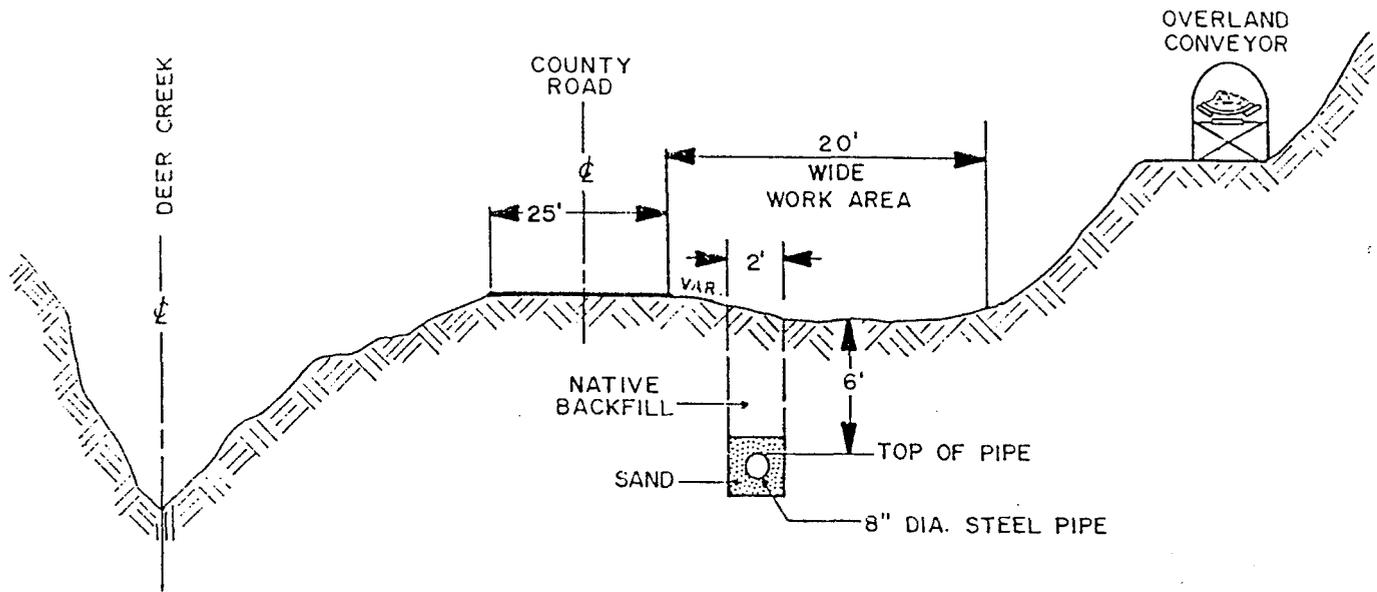
2' WIDE
EXCAVATED
TRENCH
WORK AREA



PLAN VIEW



DEER CREEK COAL MINE EMERY COUNTY, UTAH	
TYPICAL ROADWAY CROSSING & PLAN VIEW OF THE 8" STEEL WATER SUPPLY LINE	
UTAH POWER & LIGHT COMPANY MINING DIVISION-SALT LAKE CITY, UTAH 84110	
DATE JUNE 24, 1986	BY LJ GUM
SCALE NONE	FIGURE 2



DEER CREEK COAL MINE EMERY COUNTY, UTAH	
TYPICAL ROADSIDE CROSS SECTION OF THE 8" STEEL WATER SUPPLY LINE	
UTAH POWER & LIGHT COMPANY MINING DIVISION-SALT LAKE CITY, UTAH 84110	
DATE: JUNE 24, 1986	BY: LJ GUM
SCALE: NONE	FIGURE 1

APPLICATION AND PERMIT
for
ROADWAY ENCROACHMENT
APPLICATION

Utah Power & Light Company (Applicant) hereby applies
for a permit to encroach upon a roadway within Emery County known
as the Deer Creek Canyon county road for the purpose
of installing an underground water pipeline.

Said encroachment is proposed at the following location upon said
roadway: See attached Dwg. #CM-10673-DR,

and is described as see attached drawing.

Appliant proposes work to begin on July 2, 1986 and to
be completed on or before October 1, 1986. Applicant
acknowledges that any change in purpose or location requires an
amended application.

A processing fee of \$10 is tendered with this Application.

Applicant agrees to comply with all laws, ordinances and
regulations of all governmental agencies, including, but not
limited to, Emery County, as well as instructions of the Emery
County Road Department Supervisor or his indicated representative.
Applicant acknowledges receipt of a copy of Ordinance No. 7-6-83C.

Appliant acknowledges that certain fees will be due before
any permit is issued. Fees will be calculated according to the
Emery County Roadway Right-of-Way Encroachment Ordinance,
Ordinance No. 7-6-83C.

DATED this 24th day of June, 1986

Appliant: Utah Power & Light Company
Mining Division
By: C. E. Shingleton
Title: C. E. Shingleton
Director of Permitting,
Compliance & Services



P.O. Box 889
Castle Dale, Utah 84513

Phone (801) 381-5450
or
381-2550

*Smith
5/31/36*

PERMIT

Permit #193511

Application having been made by Utah Power & Light Company through C. E. Shingleton, Director, its authorized agent and fees and a bond in the above-mentioned amount having been received, reviewed and accepted, and the Application having been reviewed and accepted, permission is hereby granted Applicant to proceed with installation an underground water pipeline at the following location, Deer Creek Canyon Road, #3-04.

- Stipulation Requirements:
1. Notification of when project is completed.
 2. Bore under asphalt surfaces where pipe crosses roadway.

DATED this 30th day of June, 1936.

Ray P. Jensen

Superintendent

Emery County Road Department

By *Carol J. Ware, Mgr.*

INSPECTION AND RELEASE

Supervisor having inspected said site on July 24th, 1936, finds the following deficiencies which must be corrected before release can be considered:

*Submitted 2nd
Permit (copy)
to UP & L Jul 21-36*

Ray P. Jensen

Superintendent

Emery County Road Department

By *RT*

Emery County Road Department

Phone 748-2550

Castle Dale, Utah 84513

15 May, 1980

Utah Power & Light
Mining & Exploration
Mr. Karl Gurr
Salt Lake City, Utah

Dear Sir;

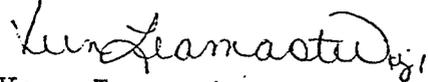
I am writing in reference to two large rocks that are creating a safety hazard on the Deer Creek Mine Road at Deer Creek Mine, Huntington, Utah.

The hazard has been created by making vertical slopes on the mountain side to make room for the conveyor belt that conveys coal to the power plant. This excavation was performed under the direction of Utah Power & Light Co. As it is going to cost quite alot to eliminate the hazard, I am wondering if the Power Co. could participate with us in the cost of removing the rocks.

I have met with Larry Guymon of Emery Mining Corp. on the site and we have agreed they must be removed as soon as possible. If they should slide down the steep embankment they would not only block the road but may also smash the conveyor belt or other personal injuries that could occur.

If you feel the Power Co. could assist us in alleviating this hazard would you let me know and we will make arrangements to have it taken care of.

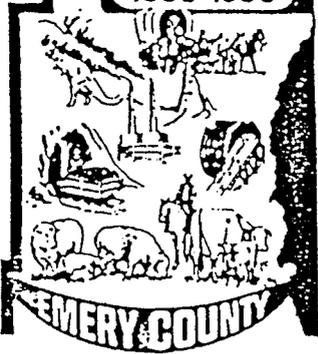
Sincerely,



Vern Leamaster
Emery County Road Supervisor

cc. Larry Guymon, Emery Mining Corp.

VL/dj



Emery County Board of Commissioners

P.O. Box 29
Castle Dale, Utah 84513
Telephone (801) 381-2119

Rue P. Ware, Commission Chairman
Bevan K. Wilson, Commissioner
Clyde Conover, Commissioner
Bruce C. Funk, Clerk

September 20, 1984

Office of Surface Mining
Division of Oil, Gas & Mining
4241 State Office Building
Salt Lake City, Utah 84114

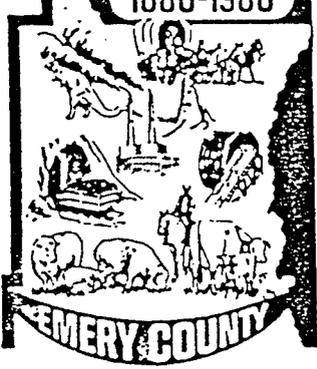
Gentlemen:

In the matter of determining responsibility and maintenance of certain roads associated with mining complexes within Emery County, please be advised that the road serving the Deer Creek Mine (3.0 miles) and the road to the Des-Bee-Dove Mine located on Danish Bench (7.7 miles) are part of the County Class B road system and are maintained by the County Road Department.

Respectfully,

Rue P. Ware, Chairman
Emery County Board of Commissioners

RPW/par



Emery County Board of Commissioners

P.O. Box 29
Castle Dale, Utah 84513
Telephone (801) 381-2119

Rue P. Ware, Commission Chairman
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September 20, 1984

Office of Surface Mining
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Respectfully,

Rue P. Ware, Chairman
Emery County Board of Commissioners

RPW/par

Exhibit - Copy of earliest Road
available from 1960

DISTRICT NO. 1
HUNTINGTON DIVISION

NAME OF ROAD	ROAD NO.	LOCATION	MILES
KILLPACK-COLLARD	H-1	N of H	3.4
WILSON-BROWN	H-2	N of H	2.1
NORTH C. CANAL	H-3	W of U276	1.4
SHERMAN SPUR	H-4	N of H-1	0.6
MILL ROAD	H-5	W of H	4.3
BRASHER-YOUNG LOOP	H-6	SW of H	4.6
A. CLEGG-GUYMON SPUR	H-7	S of H-6	0.3
MAJOR SPUR	H-8	S of H-6	1.8
POWELL-GUYMON SPUR	H-9	S of H-6	0.5
ATWOOD-YOUNG	H-10	N of H	0.5
TUCKER-COOK SPUR	H-11	N of H-5	0.5
ALLRED-ANDERSON SPUR	H-12	E of H	0.8
LAWRENCE RIVER ROAD	H-13	E of H	3.9
GRANGE SPUR	H-14	E of H-13	2.0
MOHRLAND ROAD	H-15	N of H	4.9
BURMA	H-16	NW of H	9.0
JOHN-BRASHER	H-17	W of U10	0.2
DEER CREEK	H-18	CANYON	3.0
GIBBS SPUR	H-19	E of U10	0.8
GORDON-GUYMON	H-20	W of U10	0.3
BEAR CANYON	H-21	CANYON	1.2
TRAIL CANYON	H-22	CANYON	0.3
RILDY CANYON	H-23	CANYON	2.0
MILL FORK CANYON	H-24	CANYON	0.5
ART-ANDERSON LOOP	H-25	E of H-4	0.2
ROWLEY ROAD	H-26	W of H	0.5
SHERMAN-LARSON	H-27	W of U276	0.3
SOUTH CANAL ROAD	H-28	S of H	3.9
WEST FLAT	H-29	W of H	1.2
OLD LAWRENCE	H-30	SW of H	2.6
HUNT	H-31	S of H	0.2
B-JENSEN	H-32	S of U155	0.2

H-10-12

H-33 W of U172

EMERY
COUNTY
ROAD
LOG

Area 3 HUNTINGTON

NO.	NAME OF ROAD	LOCATION	MILES
3-01	Hiawatha	W of U10 2m N of Huntington	12.0
3-02	Mohrland Canyon	3-01 to Pine Spring	4.9
3-03	Burma	S of 3-02 to U31	9.0
3-04	Deer Creek	S of U31 7m W of Huntington	3.0
3-05	Bear Creek	N of U31 9m W of Huntington	1.2
3-06	Rilda & Trail Canyon	N & S of U31 10m W of Huntington	2.3
3-07	Mill Road	S of U31 4m W of Huntington	4.3
3-08	West Flat	S of 3-07 1m W of Huntington	1.2
3-09	Tucker/Cook Spur	N of 3-07 1m W of Huntington	0.4
3-10	West Center Street	W of Huntington	0.5
3-11	Huntington South Flat Loop	SW of Huntington to U10	4.6
3-12	Major Spur	S of Huntington	1.8
3-13	Guymon Wash Spur	S of 3-12 1m S of Huntington	0.5
3-14	A Clegg/Guymon Spur	S of 3-11 ¾m SW of Huntington	0.3
3-15	Ailred Anderson Spur	NE of Huntington	0.8
3-16	North Huntington School Bus Loop	N of U10 ½m N of Huntington	2.8
3-17	Sherman Larsen	W of 3-01 1m W of Huntington	0.3
3-18	Wilson Brown	N of U31 ½m W of U10 Jct.	2.1
3-19	Sherman	N of 3-16	0.6
3-20	Gibbs Spur	E of U10 1½m N of Huntington	0.8
3-21	West Huntington Lake	N of 3-16 ½m N of U10	0.2
3-22	South Canal Road	S of 3-11 to 3-37 3m SW of Huntington	3.8

*EXhibit - Copy of 1970's Road Log
ENTRY.*

Emery County Road Department

ROAD LOG

Exhibit - Copy of 1988 Road Log
ENTRY

PROPERTY OF THE
EMERY COUNTY ROAD DEPARTMENT

00214	North of 2-12 2m East of U10 Native Eden Spur North of U155 West of Cleveland Gravel	1.000
00215	Desert Lake to Lawrence Tan Seeps South of 1-10 to 3-32 Native	7.660
00216	Flat Top and Dinosaur Spur East of 2-15 1.5m South of Junction Native	19.160
00217	Adams Spur West of U155 1m North of Cleveland Gravel	0.490
00218	Allred East of U155 1m North of Cleveland Gravel	0.160
00219	Joe Oveson Bus Loop & spur East & West of U155 3m N of Cleveland Gravel	2.830
00220	Wilson Spur East of U155 5m North of Cleveland Native	0.290
00221	Industrial Road South of 2-12 1m East of U10 to U155 Gravel 0.50m Native 0.45m	0.950
00301	Hiawatha West of U10 2m North of Huntington Lignin & Asphalt 7.42m Gravel 3.11m	10.530
00302	Mohrland Canyon 3-01 to Pine Spring Native 7.38m, Asphalt 1.70m, Gravel .20m	9.280
00303	Burma South of 3-02 to U31 Native	8.720
00304	Deer Creek South of U31 7m West of Huntington Asphalt	2.480
00305	Bear Creek North of U31 9m West of Huntington Asphalt	0.670
	Native Native	
00307	Mill Road South of U31 4m West of Huntington Gravel 3.30m, Asphalt 0.42m	3.720
00308	West Flat South of 3-07 1m West of Huntington Native	1.150
00309	Tucker/Cook Spur North of 3-07 1m West of Huntington Native	0.350

PROPERTY OF THE
EMERY COUNTY ROAD DEPARTMENT

Applicant: _____

Address: _____

Phone: _____

ROADWAY ENCROACHMENT APPLICATION

_____ (Applicant) hereby applies for a permit to encroach upon a roadway within Emery County known as _____

for the purpose of _____

Said encroachment is proposed at the following location upon said roadway: _____

and is described as _____

Applicant proposes work to begin on _____, 19____ and to be completed on or before _____, 19____.

A processing fee of ^{waived} \$10 is tendered with this Application.

Applicant agrees to comply with all laws, ordinances and regulations of all governmental agencies, including, but not limited to Emery County, as well as instructions of the Emery County Road Department Supervisor or his indicated representative.

Fees in the amount of _____ and a bond in the amount of _____ be in force for a period of _____ years, are hereby tendered, or will be tendered before a Permit is issued.

DATED this _____ day of _____, 19____.

Applicant: _____

By: _____

Title: _____

AN ORDINANCE REGULATING ROADWAY RIGHT-OF-WAY ENCROACHMENT

WHEREAS, Emery County is experiencing pronounced population growth and mineral development; and

WHEREAS, industrial development will require the improvement of County roads, and

WHEREAS, said growth and development necessitate frequent encroachment upon County roads for vibroseising and for the installation of utilities; and

WHEREAS, it is the declared public policy of Emery County to minimize cost to the County by requiring costs of road improvements be paid by those who disproportionately use the roadway, and

WHEREAS, the County is without adequate regulations to uniformly control such encroachments; and

WHEREAS, a new ordinance concerning road encroachment is necessary,

NOW, THEREFORE, be it ordained by the Emery County Commission that the following be enacted as law regulating roadway right-of-way encroachments:

Section I: DEFINITIONS

A. Encroachment means the disturbance of any roadway or right-of-way, whether by upgrading, constructing, reconstruction, surfacing or resurfacing, alignment or realignment, excavation, boring, obstruction, vibroseising, or extraordinary short-term use.

B. Supervisor means the Emery County Road Department Supervisor or any representative duly appointed by him.

C. Applicant means every natural person, partnership, corporation, firm, association or legal entity seeking to encroach upon an existing County roadway.

D. Annual Blanket Permit means an encroachment permit issued for a period of one calendar year to Applicants who, of necessity, may make numerous

encroachments. This permit is designed to alleviate the necessity of securing a performance and completion bond for each encroachment.

E. Existing County Roadway means any roadway listed on the Emery County road system in the Emery County Road Log together with the right-of-way therefor and any other right-of-way over which Emery County has acquired, by any means, the right of passage.

F. New Construction means any activity which changes the current condition of the roadway or right-of-way including the placement of poles, culverts, pipelines or other lines in, on or under the roadway or right-of-way in a new location and including the upgrading, construction reconstruction, surfacing or resurfacing of any roadway together with the necessary effects on the right-of-way.

G. Maintenance means that work occasioned by the ordinary course of business, other than new construction, which requires an encroachment as defined herein, made necessary to repair, replace or modify existing structures including, but not limited to, poles, culverts, pipelines and other lines.

H. Permit as stated herein means the written permission given an Applicant by Supervisor authorizing a certain encroachment as indicated in the Permit.

I. Permittee means a natural person, partnership, corporation, firm, association or legal entity who has applied for and has received a Permit as provided for herein.

Section II: PERMITS FOR ROADWAY ENCROACHMENT

A. There shall be two types of permits issued pursuant to this Ordinance:

1. A regular Encroachment Permit.
2. An Annual Blanket Permit.

B. The procedure for obtaining a regular encroachment permit shall be

as follows:

1. Any party desiring to encroach upon an existing Emery County roadway must first make Application for a Permit by fully completing an Application form or a Utility Line Agreement Form provided by the Emery County Road Department. A non-refundable processing fee of \$ _____ shall be paid at the time Application is made. Supervisor shall review the completed application and shall notify Applicant within a reasonable time of any deficiencies.
2. Upon acceptance by Supervisor of the Application or Utility Line Agreement, Supervisor shall issue to Applicant a Permit for roadway encroachment. Applicant shall fully comply with the terms of said Permit, including any special provisions required by Supervisor as conditions of issuance.

C. The Supervisor may issue Annual Blanket Permits pursuant to application made therefore. A nonrefundable processing fee of \$ _____ shall be paid at the time application is made. The Supervisor shall determine the performance and completion bond required and said bond or other reasonable assurance shall be received by the Supervisor before an Annual Blanket Permit is issued. Holders of Annual Blanket Permits may, as directed by Supervisor, be required to provide a liability policy, as required by Section IV, for the calendar year corresponding with the permit year.

D. No permit shall be required hereunder where the encroachment involved constitutes maintenance, as defined herein. All other aspects of this Ordinance, including, but not limited to, liability insurance, notice, fees and minimum construction standards, shall apply to any encroachment of any County roadway.

E. An encroachment permit shall be required for any new construction.

Section III: BOND REQUIRED

A. Applicant, upon receipt of notice of acceptance of Application for encroachment, and before the issuance of a Permit, shall secure and deliver to Supervisor a performance and completion bond or other reasonable assurance to insure the restoration of the site.

The amount of the bond required, except for those holding an Annual Blanket Permit, shall be in at least the following amounts:

1. Hard Surface Street: \$5,000 minimum
2. Gravel Surface Street: \$3,000 minimum
3. Dirt Surface Street: \$3,000 minimum
4. Resurfacing and/or realignment of roadway: \$3,000 minimum
5. New Construction or maintenance within right-of-way: \$3,000 minimum

B. Supervisor is authorized and directed to review each Application as to location, duration, and extent of encroachment together with all other pertinent factors. Upon such review Supervisor shall determine the amount of the bond required together with notification of acceptance of the Application for encroachment.

C. Bonds given pursuant to this Section shall remain in force and effect for a period of either one or three years from the date the job was completed. Bonds are required for a three-year period when the roadway or right-of-way is disturbed or when any object, including but not limited to utility lines or culverts, is placed beneath the surface of the roadway or right-of-way. Bonds in all other cases shall be for a one-year period.

Section IV: LIABILITY INSURANCE

When in the judgment of Supervisor the same is advisable, Applicant, upon acceptance of the Application for encroachment by Supervisor, but before the issuance thereof, shall secure and deliver to Supervisor a policy of

insurance or other reasonable assurance, providing liability coverage in at least the amount of \$500,000. Said policy is to remain in force and effect until Applicant is released.

Section V: ENCROACHMENT PROCEDURE

A. Once an Applicant has obtained a Permit he may begin work. Said work shall progress in a prompt and orderly fashion and shall be performed in a good workman like manner.

B. The encroachment must be completed within the time requested by Permittee and allowed by Supervisor. Supervisor may extend the completion date upon request. Failure by the Permittee to complete the permitted work by the completion date may result in the forfeiture of its bond.

C. Excavation operations shall be conducted in such a manner that a minimum amount of interference or interruption of road traffic will result. Inconvenience to residents and businesses fronting on public roads shall be minimized. Suitable, adequate and sufficient barricades shall be available and used where necessary to prevent accidents involving property or persons. Barricades must be in place until all excavator's equipment is removed from site and excavation has been backfilled and proper temporary gravel surface is in place. From sunset to sunrise all barricades and excavations must be clearly outlined by acceptable warning lights, lanterns, flares, and other devices. Police and fire departments shall be notified at least 24 hours in advance of any planned excavation requiring road closures or detour.

Section VI: NOTICE AND EMERGENCY EXCAVATIONS

The Board of Emery County Commissioners recognizes that from time to time emergency conditions may arise requiring encroachment upon County roadways. Should such conditions exist an Applicant may proceed with the encroachment and then make Application for encroachment during the next working day. The encroachment may continue, so long as application has been made, until

Applicant is ordered by Supervisor to cease encroachment. If Application for encroachment is made during the next working day Applicant will incur no penalty. If Application for encroachment is not made during the next working day, all fees will be twice the amount indicated.

Section VII: NOTICE REGARDING MAINTENANCE

A. When encroachment for maintenance is necessary, the person, partnership, corporation, firm, association or legal entity intending to engage in the encroachment shall notify Supervisor, in writing, ten (10) working days before the encroachment is made.

B. Supervisor shall, upon receipt of a notice pursuant to paragraph A of this Section, and in no event later than two (2) working days from the date notification is received, notify the party giving notice of the bond required, the necessity of any liability insurance and the amount of fees to be deposited.

Section VIII: FEES

A. Applicant, subsequent to making application for an encroachment permit or giving notice pursuant to Section VII, shall deposit with the Supervisor an amount specified by Supervisor. Fees which are subject of this section will be utilized to compensate the County for costs incurred for inspecting and reviewing the plans for the intended encroachment, the work in progress and the completed project.

B. All fees required to be paid hereunder shall be paid and received at the office of the Emery County Road Department in the Emery County Courthouse. All bonds, insurance policies or other documents required by this Ordinance to be delivered by Applicant must be delivered to and deposited with the Emery County Road Department at its office in the Emery County Courthouse.

C. Fees required pursuant to Section VII, paragraph B, shall be deposited at the office of the Emery County Road Department in the Emery County

courthouse no later than two (2) working days before the encroachment is initiated.

Section IX: MINIMUM CONSTRUCTION STANDARDS

A. New construction shall be completed according to the plans and specifications submitted by Applicant and approved by Supervisor. Maintenance and new construction shall, in no event, be less than the following minimum standards.

1. Preparation. The pavement, sidewalk, driveway, or other surface shall be cut vertically along the lines forming the trench in such a manner as to not damage the adjoining pavement or hardsurfacing. An undercut level at the rate of one inch per foot of thickness will be provided at the proposed junction between the old and new surfaces. The portion to be removed shall be broken up in a manner that will not cause damage to the pavement outside the limits of the trench. However, any pavement damaged by operations outside the limits of the trench shall be replaced. All waste material resulting from the excavation shall be removed immediately from the site of the work.

2. Backfill.

- a. Material for backfill will be of a select nature. All broken concrete, peat, decomposed vegetable or other matter and similar materials obtained from excavation will be removed from the site prior to beginning of backfilling. All backfill will be placed in layers not over eight (8) inches loose measure in thickness. Compaction will be obtained by mechanical rollers, mechanical tampers or similar means. Material for backfilling will have optimum moisture to insure compaction to a degree equivalent to that

of the undisturbed ground in which the trench was dug.
Jetting internal vibrating methods of compacting sand
fill or similar methods of compacting sand or similar
granular free draining materials will be permitted.

- b. The density (dry) of the backfill under pavements,
sidewalks, curbs, or other structures will be not less than
that existing prior to excavation. The fill shall be
restored and placed in a good condition which will prevent
settling.

3. Restoration of Surfaces.

- a. General. All road surfacing, curbs, gutters, sidewalks,
driveways, or other hard surfaces falling in the line of the
excavation which must be removed in performance of the work
shall be restored in kind by the Permittee, unless otherwise
directed by the Supervisor, in accordance with the
specifications contained herein governing the various types
of surfaces involved.
- b. Protection of Paved Surfaces. In order to avoid unnecessary
damage to paved surfaces, track equipment shall use pavement
pads when operating on or crossing paved surfaces.
- c. Time. In traffic lanes of paved roads, the excavator shall
provide temporary gravel surfaces or cold mulch in good
condition immediately after backfill has been placed, and
shall complete permanent repairs on the road, sidewalk,
curb, gutter, driveway and other surfaces, within five (5)
days from the date of completion of the backfill except for
periods:
 - (1) When permanent paving material is not available.

(2) when an extension of time is granted by Supervisor.

d. Temporary Repair. If temporary repair has been made on paved road with gravel and a permanent repair cannot be made within the time specified above due to any of the above-mentioned conditions, then the Permittee is required to replace the gravel with cold mulch as soon as possible.

4. Restoring Bituminous, Concrete or Asphalt road surfaces.

a. Temporary grade surface. Where excavations are made in paved areas, the surface shall be replaced with a temporary gravel surface. The gravel shall be placed deep enough to provide a minimum of six (6) inches below the bottom of the bituminous or concrete surface. Normally, this will require nine (9) inches of gravel for bituminous surfaces, twelve (12) inches of gravel for concrete, and concrete base for asphalt wearing surfaces. The gravel shall be placed in the trench at the time it is backfilled. The temporary gravel surface shall be maintained by watering, sprinkling, rolling, and adding gravel, to maintain a safe, uniform surface satisfactory to Supervisor until the final surface is laid. Excess material shall be removed from the premises immediately. Material for use on temporary gravel surfaces shall be obtained from sound, tough, durable gravel or rock meeting the following requirements for grading:

Passing 1-inch sieve	100%
Passing 3/4-inch sieve	85% - 100%
No. 4 sieve	45% - 65%
Passing No. 10 sieve	30% - 50%
Passing No. 200 sieve	5% - 10%

shall be primed with Type MC-1 Bituminous material or better. The type, grade, and mixture of the asphalt to be used for road surface replacement shall be approved by Supervisor. The thickness shall be equal to the adjacent surface thickness but not less than three (3) inches. The complete surface shall not deviate more than one-half (1/2) inch between old and new work.

5. Concrete Surfaces. The sub-base for concrete surfaces shall be sprinkled with clean water just before placing the concrete. Joints and surfaces shall be made to match the original surfaces. The thickness of concrete shall be equal to the adjacent concrete but in no case less than six (6) inches thick. The mixing, cement, water content, proportion, placement, and curing of the concrete will be approved by the Supervisor. In no case shall the concrete have less compressive strength than 3,000 pounds per square inch at the end of 28 days.

6. Concrete Base, Bituminous Wearing Surfaces. This type of surfacing shall be constructed as above described.

7. Gravel Surfaces. Trenches excavated through gravel-surfaced area, such as gravel roads, shoulders and unpaved driveways, shall have the gravel restored and maintained as described in paragraph 5 of this part, except that the gravel shall be a minimum of one inch more than the thickness of the existing gravel.

B. Relocation and Protection of Utilities. An excavator shall not interfere with any existing utility without the written consent of the Supervisor and without advance notice to the owner of the utility. If it becomes necessary to relocate an existing utility, it shall be done by its

owner unless the owner otherwise directs. No utility, whether owned by a governmental entity by a private enterprise, shall be removed to accommodate the Permittee unless the cost of such work shall be borne by the Permittee or an expressly written agreement is made whereby the utility owner and the excavator make other arrangements relating to such costs. The Permittee shall support and protect by timbers or otherwise all pipes, conduits, poles, wires, or other apparatus which may be in any way affected by the excavation work, and shall do everything necessary to support, sustain and protect them under, over, along, or across the work. In case any of the pipes, conduits, poles, wire, or apparatus should be damaged (and for this purpose pipe coating or other encasement or devices are to be considered as part of a substructure), they shall be repaired by the agency or person owning them, but the utility owner shall be reimbursed for the expense of such repairs by the Permittee. It is the intent of this part that the Permittee shall assume all liability for damage to substructures, and any resulting damage or injury to anyone because of such substructure damage and such assumption of liability shall be deemed a contractual obligation which the Permittee accepts upon acceptance of an excavation permit. The County need not be made a party to any action because of this part. The Permittee shall inform itself as to the existence and location of all underground utilities and protect the same against damage.

C. Jetting Pipe. Jetting pipe by means of water under pressure, or compressed air, is permitted only when approved by the Supervisor.

Section X: ENCROACHMENT UNLAWFUL

A. It shall be unlawful for any person to encroach upon any Emery County roadway without having first obtained a current Permit from Supervisor.

B. It shall be unlawful for anyone to encroach upon any Emery County roadway, for maintenance purposes, without first notifying Supervisor, as required by Section VII, and depositing any bond, liability policy or fees as

required by Supervisor.

C. Any party who encroaches upon an Emery County road without a valid Permit shall be guilty of a misdemeanor.

D. Any entity, whether public or private, who engages agents, general contractors, or subcontractors for a project that requires roadway encroachment shall require said agents, general contractors, or subcontractors to comply with the provisions of this Ordinance. Any entity violating this provision is guilty of a misdemeanor.

Section XI: CATTLEGUARDS

1. Applicant must file a detailed application and request, stating the exact location on the County Road involved and its official name with the Emery County Road Department.
2. The applicant will be required to supply the proper specified design and width of grill, as well as other materials, including but not limited to concrete, rebar, wings, fence posts and gates, as needed.
 - a. The grill work must meet and be interchangeable with the Powder River U-5¹/₄ type (without cleanout feature). These plans and specifications must meet the Emery County Road Supervisor's approval before any permits will be issued and before installation of said cattleguard takes place.
 - b. Applicant will purchase all materials, including but not limited to hardware, needed to fabricate the bases when required by the supervisor. Supervisor will work out details with applicant regarding arrangements with material suppliers, so as to properly schedule construction of the base modules.
 - c. Applicant will install gate and hook fence to cattleguard.

3. Emery County Road Department will supply the labor to fabricate the bases and install them using U-5" type grills (or acceptable substitute) provided by applicant at the permitted site.

a. Emery County Road Department will thenceforth assume maintenance and upkeep on this unit as long as the road is part of the County system.

Section XII: REVOCATION AND SEVERABILITY

All ordinances for the regulation of roadway right-of-way encroachment and providing penalty for the violation thereof, passed prior to the passage of this Ordinance, are hereby revoked and repealed to the extent such ordinance is less stringent than the provisions herein, and any clause contained herein which shall be declared, by court of competent jurisdiction, to be unconstitutional or contrary to the laws of the State of Utah, shall in no way nullify any other part of this Ordinance.

Section XIII: INJUNCTION

Supervisor may request initiation of the proper legal proceeding, in a court of competent jurisdiction, to obtain an injunction against any natural person, partnership, corporation, firm, association or legal entity violating this Ordinance.

Section XIV: EMERGENCY CLAUSE AND EFFECTIVE DATE

The Emery County Commission finds and declares it is necessary for the immediate preservation of peace, health, and safety of the residents of Emery County that this Ordinance become effective upon its passage and publication.