

TITLE 412, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 3

NEBRASKA DEPARTMENT OF TRANSPORTATION
ROADWAY DESIGN DIVISION

RULES AND REGULATIONS CONCERNING
UTILITY PERMITS

TITLE 412 – NEBRASKA DEPARTMENT OF TRANSPORTATION – ROADWAY DESIGN DIVISION

Chapter 3 – Utility Permits

001 PERMITS FOR THE OCCUPANCY OF HIGHWAYS BY POLE LINES

001.01 DEFINITIONS: The following definitions apply within this regulation unless the context otherwise requires:

001.01A APPLICANT: A person who makes application for or acquires a permit to occupy a highway with pole lines.

001.01B DEPARTMENT: The Nebraska Department of Transportation.

001.01C HIGHWAY: A road or street including the entire area within the right of way and all structures thereon, which has been designed as a part of the State Highway System.

001.01D PERSON: Every natural person, firm, co-partnership, association, organization, or corporation, both public and private.

001.02 Any person desiring to occupy any portion of a highway with a pole, pole line anchor, or brace will apply for a permit to do so except where the occupancy is a cross-arm overhang or a single private service pole.

001.03 All applications for permits will be made on the form prepared and furnished by the Department.

001.04 Applications may be made to the Department of Transportation, Box 94759, Lincoln, Nebraska 68509-4759.

001.05 Any person desiring to construct a single private service connection across a highway, a pole of which will rest upon the highway, will be required to make a report to the Department and within forty-five days after the completion of the crossing. Such report will be made on DR Form 21, furnished by the Department and will give the pertinent data with regard to the crossing and pole location. Where feasible, the above mentioned pole will be located adjacent to an entrance to the property being served and no guy wires or braces to this pole will be located on the highway.

001.06 All applications for a permit will show the full name and address of the applicant and will set forth the type of use that is desired by the applicant, that is, whether it is to be a crossing or parallel occupancy of the highway.

001.07 The applicant will submit a plan or sketch showing in detail the type of pole line he proposes to install, the size and height of the poles, the number of wires to be carried, the voltage of any transmission line, or any other information that may pertain to the location of the pole line on the highway to be occupied and will show the exact location of the portions of the highway to be occupied with respect to land lines and civil subdivision. The plan or sketch will also indicate the exact location of all proposed guy wires, anchors, or braces.

001.08 No permit will be issued for the placing of deadmen, anchors, guy wires or braces unless the conditions requiring the same have been thoroughly investigated by a representative of the Department and it is found feasible to construct the line without the same.

001.09 If permission to place guy wires and braces on the highway is given subsequent to a Department investigation, the exact point of entry of the wires or braces into the ground will be marked distinctly by the applicant in a manner meeting the approval of the Department.

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Chapter 3 – Utility Permits (continued)

001.10 The applicant will be required to indemnify and hold harmless the State of Nebraska from any damage of any nature to any person or property which may result from the applicant's operations on and from the occupancy of the highway.

001.11 The applicant will be held fully responsible for any damages to or defacing of the highway that may be caused by his operations and he will be required to restore said highway to its original condition.

001.12 After the receipt of the written application for permission to cross or parallel occupy any portion of the highway with a pole line, a permit may be granted by the Department. The permit will set forth the regulations and restrictions governing the installation of the pole line and any specific instructions applying to the particular installation under consideration.

001.13 No work will be performed by the applicant until he has obtained a permit.

001.14 The applicant will provide and maintain, at his expense, adequate lights, signs or other protective devices so as to properly protect the traveling public during his operation on the highway.

001.15 The applicant will conduct his operations in such a manner so as not to unreasonably interfere with or obstruct vehicular traffic on the highway.

001.16 Should the construction and maintenance of a highway necessitate the moving or relocating of any pole line, the owner will move or relocate the line at his own expense and as directed by the Department except as otherwise provided by law with regard to the National System of Interstate and Defense Highways.

001.17 Any owner needing to move or relocate any pole line because of construction and maintenance of a highway will not be expected to file application for relocation of existing pole lines.

002 PERMITS FOR THE OCCUPANCY OF HIGHWAYS BY UNDERGROUND PIPES OR CONDUITS

002.01 Any person desiring to occupy any portion of a highway with an underground pipe line or conduit will apply to the Department for a permit to so occupy.

002.02 All applications for permits will be made on the form prepared and furnished by the Department.

002.03 Applications may be made to the Department of Transportation, Box 94759, Lincoln, Nebraska 68509-4759.

002.04 All applications for a permit will show the full name and address of the applicant and will set forth the type of use that is desired by the applicant that is, whether it is to be a crossing or a parallel occupancy of the highway.

002.05 The applicant will submit a plan or sketch showing in detail the type and the nature of the pipe or conduit, the length of the pipe or conduit, and the depth at which the pipe or conduit will be installed beneath the highway surface. The plan or sketch will set forth the number and surface type of the highway and the exact locations of the portions of the highway to be occupied with respect to land lines and civil subdivisions.

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002.06 The applicant will be required to backfill all excavated trenches in thin layers and will compact the replaced material until its density is equal to at least that of the surrounding earth. No "mounding over" of the trench will be permitted.

002.07 The Department may mandate the pipes or conduits to be installed in casings.

ANNOTATION

**Title 412
Chapter 3**

**Enabling Legislation
§39-699; 39-1335; 39-
1359; 39-1361; 70-515;
70-667 and 86-303.01
Neb. Rev. Stat.**