



WITH THE INCREASE in utility and broadband projects around Illinois, confusion about permit and easement needs sometimes creates conflict between contractors, road authorities, and landowners. The Township Officials of Illinois (TOI), the Illinois Farm Bureau (IFB), and the Illinois Assn. of County Engineers have worked together to develop a permit template that can provide clarity for these projects.

The Illinois Highway Code requires that contractors wanting to install fiber optic lines, telephone equipment, or other types of utility installations in a road right-of-way get a permit from the road authority for that road. However, in many rural areas of Illinois, landowners also continue to own to the middle of the road for anything other than road use purposes. In these instances, the contractor must also seek an easement from the landowner for the installation. Confusion regarding this requirement has led to misunderstandings and conflict between contractors, road authorities, and landowners.

To help reduce this conflict, TOI, IFB and the Illinois Assn. of County Engineers have jointly developed a utility permit template that clearly explains the rights granted by the road authority and the additional agreements that may be needed from landowners. The permit template will hopefully be helpful for road authorities that may need a written permit for these projects or those that want to provide additional clarity in their permit. The template is now available on the TOI website in the Download Center under the “General Township Topics” category.

Township/County Utility Permit

Township/County Engineer
 _____ Township/County Highway Department
 _____ Street
 City, IL Zip

In accordance with Illinois Compiled Statutes 605 ILCS 5/9-113 _____ hereby requests permission to contract, operate and maintain a buried/aerial _____ in _____ County, _____ Township, Section _____ along Township Road _____ or County Highway # _____. The method of construction shall be by _____. A location map and a sketch or drawing of the proposed work, including its location in relation to the highway right-of-way and roadway surface, shall be included with this permit if requested by Township Road Commissioner/County Engineer.

This permit is subject to Section 9-113 of the Illinois Highway Code and grants a license only to undertake certain activities on the right-of-way described herein. This permit does not create a property right or grant authority to the applicant to impinge on the rights of others who may have an interest in the right-of-way.

This permit shall only grant permission of the Township Road Commissioner/County Engineer and DOES NOT grant permission of landowners who own the underlying fee simple interest in the right-of-way. Rights of abutting and underlying property owners are protected under common law and Section 9-113 of the Illinois Highway Code. The applicant will address these rights prior to initiating activities on the right-of-way by seeking permission from adjacent right-of-way landowners. The Township Road Commissioner/County Engineer will not be a party to any negotiations between the utility and abutting property owners. In no case shall the permit give or be construed to give the applicant any easement, leasehold, or other property interest of any kind in, under, upon, above or along the right-of-way.

The following conditions and restrictions apply to the operation and presence of specified equipment, material or facility on the right-of-way that may be related to the authorized work:

- The applicant, its successors, grantees, and assigns shall assume all risks and liabilities for all accidents and damages that may occur to person or property as a result of the work performed pursuant to this permit. Applicant shall indemnify, defend, and hold harmless Township Road Commissioner/County Engineer (including the Township/County), their officers, agents, volunteers, and attorneys from and against any and all suits, claims, demands, losses, damages, costs, and expenses of any nature whatsoever incurred in connection with the work performed by applicant pursuant to this permit.
- A copy of this permit must be present when crews or equipment occupy the right-of-way.
- The public right-of-way shall be returned to its original condition in a timely manner at the expense of the applicant. The applicant shall not trim, cut, or in any way disturb any trees or shrubbery located in the right-of-way without the approval of the Township Road Commissioner/County Engineer.
- Any drainage structure disrupted, damaged, or destroyed by the said construction shall be repaired at the applicant's expense.
- The applicant shall avoid conflicts with any existing underground or above-ground facilities on or near the highway right-of-way. Both the County Engineer and J.U.L.I.E. are to be contacted for assistance during the application process.
- No open cuts shall be allowed across Township Roads/County Highways.
- The proposed work shall be located and constructed to the satisfaction of the Township Road Commissioner/County Engineer or their duly authorized representative. No revisions or additions shall be made to the proposed work on the right-of-way without written permission of the Township Road Commissioner/County Engineer or their duly authorized representative. The Township Road Commissioner/County Engineer shall have unrestricted access to inspect the applicant's work at all times.
- The applicant shall at all times conduct work in such a manner as to minimize hazards to vehicular and pedestrian traffic. All signs, barricades, flaggers etc. required for traffic control shall be furnished by the applicant.
- The applicant shall comply with all other applicable laws relating to the placement of utility lines, with all applicable provisions of the Illinois Highway Code and its regulations, and with all other applicable laws.
- These conditions and terms will apply to all contractors including sub-contractors hired by the applicant to preform various functions of installation.
- This permit is valid only from sunrise to sunset, seven days a week, unless further restricted by the Township Road Commissioner/County Engineer upon its issuance. This permit is void when visibility is impaired due to rain, snow, fog, or for any other reason, and also when the pavement is wet or covered in whole or in part, or at any other time when travel conditions are considered to be unsafe by the Township Road Commissioner/County Engineer, with or without notice. In no event shall any failure of the Township Road Commissioner/County Engineer to advise of such unsafe travel conditions be construed as a waiver of applicant's or any contractors of applicant's obligations under this paragraph.
- Applicant and/or any contractor shall obtain and thereafter keep in force the following insurance coverage provided by an insurance company deemed acceptable to the Township Road Commissioner/County

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Engineer and authorized to transact business under Illinois law. The Township Road Commissioner/ County Engineer does not warrant the adequacy of the types of insurance coverage or the limits of liability specified below, nor shall any such decision with respect to the type of insurance coverage obtained by applicant limit the indemnification provision of this permit.

- Commercial General Liability: (a) General Aggregate Limit, \$2,000,000.00; (b) Products-Completed Operations Aggregate Limit, \$2,000,000.00; (c) Each Occurrence Limit, \$1,000,000.00;
 - Automobile Liability (covering owned, non-owned, and hired vehicles), Bodily Injury and Property Damage Liability Limit Each Occurrence: \$1,000,000.00;
 - Worker's Compensation: in such amounts and consistent with the provisions of the Illinois Worker's Compensation Act, as amended; and
 - Employer's Liability: (a) Each Accident, \$500,000.00; (b) Disease-Policy Limit, \$500,000.00; (c) Disease-Each Employee, \$500,000.00.
- The applicant and/or any contractor may purchase insurance for the full limits required or by a combination of primary policies for less limits and remaining limits provided by an umbrella insurance policy. All insurance coverage shall remain in force during the period covering the work performed pursuant to this permit and at all times thereafter when the applicant and/or contractors may be correcting, removing, or replacing defective work and restoring damaged property.
 - This permit is subject to revocation by the Township Road Commissioner/County Engineer upon violation of the terms and conditions governing its use.

Work shall begin on or about the _____ day of _____, 20_____, and shall be completed on or before the _____ day of _____, 20_____.

Application submitted by:

Name: _____

Representing: _____

Address: _____

Telephone: _____

Work to be done by:

Contractor: _____

Daytime Phone: _____

Emergency Phone: _____

Approved this _____ day of _____, 20_____.

Township Road Commissioner/County Engineer