

**RULES, REGULATIONS GOVERNING ROAD OPENINGS, RIGHT OF WAY  
OCCUPANCY, AND STORAGE PERMITS**

Adopted by the Morris County Board of Chosen Freeholders December 5, 1985, last amended  
September 27, 2017

1. It shall be unlawful for any person, firm, corporation or municipality to make any excavation in or tear up the surface for any purpose whatsoever of any roadway or road right of way which is under the jurisdiction of the County of Morris without a written permit for road openings or right of way occupancy first having been obtained from the County Engineer as hereinafter provided.
2. Any and all applications for a permit for road openings or right of way occupancy on any roadway or road right of way, the maintenance of which is chargeable to the Board of Chosen Freeholders of Morris County, must be made in writing. Said application is to state the purpose of such application, namely: sewer, water, gas, telephone or any other purpose. Permits for road openings or right of way occupancy do NOT carry any right to make sewer, water, gas or other connections. A separate permit to make such connections must be obtained from proper officials having jurisdiction therefore. **No permit will be issued to open any roadway or road right of way three years after the date the roadway or road right of way was paved.**
3. Individuals or entities which are granted a permit for road openings on or in any roadway or road right of way may be required to enter into a Right of Way Agreement with the County, which shall, among other requirements, contain insurance and indemnification obligations. Regardless of whether the County requires such a Right of Way Agreement, individuals or entities granted a permit for road opening shall comply with the County's insurance and indemnification provisions set forth in the Application for Road Opening Permit. Any and all individuals or entities which are granted a permit for right of way occupancy on or in any roadway or road right of way shall enter into a Right of Way Occupancy Agreement with the County, which shall, among other requirements, require compliance with the insurance and indemnification obligations set forth within.
4. Any and all individuals or entities which are granted a permit for road openings and/or a permit for right of way occupancy on or in any roadway or road right of way ("Permittees") shall make any and all arrangements with adjacent property owners for the removal or relocation of any shrubs, fences, structures, trees or embankments, etc., whether they are in the roadway or road right of way, or on private property, necessary for Permittees' construction. Permittees shall make any and all arrangements with utility companies for the location, relocation and protection of any of the utility companies' installations necessary for Permittees' construction. Permittees shall save County harmless from any suits or claims by any person or entity for damages to trees, shrubs, lawns, etc. caused by Permittees or Permittees' equipment, successors, assigns, subcontractors, agents, servants, officers, employees, designees, volunteers, guests and invitees.
5. Permittees will be held responsible for any and all tree damage caused by the negligence of Permittees or Permittees' equipment, successors, assigns, subcontractors, agents, servants, officers, employees, designees, volunteers, guests and invitees when working

along County roads or road rights of way. The County Shade Tree Division must approve all removal of and/or work done around shade trees in the roadway or road right of way.

6. All subcontractors employed by Permittees holding permits to work on Morris County roadways or road rights of way must submit to the County insurance certificates in the minimum amounts required by the County of Morris and issued to the "Morris County Board of Chosen Freeholders".
7. Unless covered by a Municipal Corporation or Utility Agreement, a deposit of cash will be required for each opening of the roadway or road right of way, the amount thereof to be determined by the County Supervisor of Road Inspection. Upon completion of project, the deposit will be returned provided no maintenance bond is required. See Paragraph 10.
8. It shall be the duty of Permittees to properly guard any work on a roadway or road right of way performed pursuant to a permit for road openings, right of way occupancy, or storage by erecting suitable barriers by day and lights by night for the duration of the work. Sufficient warning signs, and watchmen, (flagmen and/or special Officers) shall be posted at each end of the work area to control traffic unless not deemed necessary by the County Supervisor of Road Inspection. Coordination of traffic control shall be made with the local police department, subject to the municipality(s) ordinances, regulations and procedures.
9. Permittees shall be liable for any neglect to safeguard the traveling public. If the permitted work on a roadway or road right of way extends the full width of the roadway or road right of way, only one-half of it shall be made at one time and it shall be backfilled before the other half is excavated, so as to maintain traffic at all times. In any other case there shall at all times be maintained a vehicular lane. No highway or bridge shall be encumbered for a longer period than shall be necessary to execute the work.

Pavement openings, digging, backfilling and temporary and permanent repairs must be done in accordance with County of Morris General Specifications. Permanent repairs shall not be made until approval has been given by the County Supervisor of Road Inspection.

10. The County must approve any connection to or removal of portions of existing County bridges or drainage structures located within municipal or County road or road right of way. The surface of any County highway or bridge and any pavement or flagging taken up by Permittees in its construction work shall be restored by and at the expense of Permittees to at least good condition as existed before the commencement of the work thereon, and shall thereafter be maintained at the expense of Permittees in said condition for three years within the paved roadway or road right of way, after completion of same. For refund of deposit, Permittees shall post a three year maintenance bond or, in lieu thereof, enter into an Agreement with Morris County to leave twenty percent (20%) of the deposit on deposit with the County for three (3) years.

All trenches in macadam or bituminous pavement shall be replaced with six (6) inches of quarry process stone sub-base: five (5) inches of bituminous stabilized base course; and two (2) inches of F.A.B.C. top course. Trenches crossing a concrete road shall be replaced with 9 inches of Class B Concrete.

No permanent paving to be done between December 1 and April 1.

11. For any work over 15 square yards done under these Rules and Regulations, Permittees shall submit blueprints or plans with Planning Board letter of approval, if applicable, and if it is considered necessary or desirable, a joint general inspection of the site of the work, with Permittees, maybe directed as to be made by the County Supervisor of Road Inspection before the permit is issued. After the approval of the blueprint or plan, if in the course of the proposed construction shown thereon any changes or deviations become necessary in the work, Permittees shall, before making such changes or deviations, obtain the County Supervisor of Road Inspection. Upon completion of the entire work, permits shall file plans with the Supervisor of Road Inspection showing in full detail all of the work after its completion.
12. In connection with permitted work, it shall be unlawful for any Permittee, or any successors, assigns, subcontractors, agents, servants, officers, employees, designees, volunteers, guests and invitees of the Permittee to place or store material of any description whatsoever, or vehicles or other equipment by any nature whatsoever, upon any County roadway or road right of way so as to interfere with the flow of water along the gutters or to interfere with traffic on such roadway or road right of way without first having obtained a permit for such storage. The permit shall state the approximate quantity of material or the number of vehicles or equipment to be stored and the time of such storage and the same shall be guarded as set forth in Section B.
13. No excavation shall be opened for a distance of more than two hundred feet any one time. All excavations shall be properly backfilled and all equipment shall be removed from the public right-of-way at the end of each day's work and during periods of heavy traffic, and at such times as may be required for non-interference with snow removal, and at such times as directed by the Supervisor for Road Inspection.

Metal plates capable of supporting traffic loads shall be used to temporarily cover road opening at such times and at such places as shall be designated by the Supervisor of Road Inspection. When so used, metal plates must be adequately ramped, to avoid the possibility of displacement; however plates must be removed on the weekend, if allowed plates must be flush mount during winter months December 1 — April 1.

14. Unless an emergency exists, no work shall start before 9:00 A.M. of each work day and all equipment and materials must be moved off the roadway or road right of way and the roadway or road right of way swept clean by 4:00 P.M. unless otherwise noted on front of permit. Unless Road Inspection has issued prior authorization and unless Permittee has provided a letter agreeing to Inspection Fees, **no work shall be permitted on Saturdays, Sundays, holidays, definitely when roadway or road right of way is snow or ice**

**covered, or after asphalt plants have stopped making stabilized base.** Emergency roadway or road right of way openings (gas or water leak, sewer stoppage, etc.) shall be reported to the County Supervisor of Road Inspection on the next regular work day and all permit requirements met as requested by said Supervisor. Work extending beyond 9:00 A.M. — 4:30 P.M. will result in inspection compensation at the rate of \$100/Hr.

15. All services installations shall be bored or jacked under the roadway or road right of way whenever possible. Tunneling will not be permitted under any circumstances and shall be unlawful exercise of the privilege under any such permit and a violation thereof.

All utilities shall cross under all existing County drains and roadway or road right of way intersections at a minimum depth of five feet below grade. Care shall be exercised in all crossing of any County drains. Any damage to drains shall be repaired by contractor/applicant immediately at his own proper expense, and work on remainder of job shall be suspended until drain is repaired and is in working order. POWER LINE ducts at roadway or road right of way crossings must be encased in RED CEMENT and installed at a minimum depth of 5 feet below grade. POWER LINE ducts at locations other than roadway or road right of way crossings may be SAND ENCASED but must be installed at a minimum depth of 4 feet below grade.

All house laterals shall be run in to the property lines one foot beyond the County roadway or right-of-way.

16. The issuance of a permit does not waive the obtaining of any or all Federal, State or Municipal permits including environmental permits for stream encroachments or wetlands.
17. This permit is valid for as long as insurance is in effect. Failure to adhere to conditions set forth herein shall void the permit.
18. The County Supervisor of Road Inspection is charged with the enforcement of all the provisions of these Rules and Regulations and is the agent acting for the Board of Chosen Freeholders.
19. Any person, firm, corporation, municipal or private utility violating these rules and regulations shall be subject, upon conviction, to a fine not exceeding \$200.00 per day for each and every day the violation exists, and civil action for the cost of prosecution as well as civil action for trespass to remove the non-conforming use.
20. The following Rules and Regulations govern and apply solely to requests and/or applications for Right of Way Occupancy Permits to install antenna, small cells, and other wireless communication devices and associated equipment in the roadway or road right of way, either on existing or new poles. The following Rules and Regulations are not meant to apply to small cell sites, other similar wireless communication devices and associated equipment or macrocell sites mounted on tall antenna structures including but not limited to monopoles or lattice towers that are inappropriate for installation in the

County's Rights of Way, but rather only to installations on utility-type poles. The County has also determined that it will not permit any installations on traffic signal poles or stanchions:

- a. General Requirements. Notwithstanding any other County law to the contrary, no antenna(s), small cell(s), or other device(s) for wireless communication ("antenna") or pole(s) for the purposes of supporting an antenna ("antenna pole") may be installed in the County's roadway or road right of way except in accordance with this Section.
  - i. No antenna(s) or antenna pole(s) may be installed in the County's roadway or road right of way unless and until there is a Right of Way Occupancy Agreement, approved and executed by the County, that specifies, at a minimum, the proposed height, width, location, and general design of any and all proposed antenna(s), antenna pole(s), and any associated wires, conduits, cabinets, fixtures, facilities, or other equipment. Following the full execution of such an Agreement, the installation of the proposed antenna(s) and/or antenna pole(s) shall be coordinated with and subject to approval by the County Engineer.
  - ii. No antenna(s) or antenna pole(s) may be established in the County's roadway or road right of way without the consent of the governing body of the municipality, property owner, and/or pole owner, as required by law. In addition, the installation of any antenna(s) or antenna pole(s) in the County's roadway or road right of way shall be subject to and conditioned upon the receipt of any and all zoning, planning, or other land use approvals required by the municipality in which the proposed antenna is to be located. The applicant of any proposed antenna(s) or antenna pole(s) shall bear the burden of demonstrating, with written evidence acceptable to the County Engineer, that all municipal approvals have been obtained or that no such approvals are required by the municipality.
  - iii. Any antenna(s) or antenna pole(s) established in the County's roadway or road right of way shall be designed and camouflaged to mitigate visibility and blend in with the area in which the proposed antenna or antenna pole will be located. Any antenna(s) or antenna(s) pole established in the County's roadway or road right of way shall comply with all applicable standards established by the American Association of State of Highway Transportation Officials (AASHTO), County Engineering Design Standards, and all generally applicable building, structural, electric, and other standards related to health, safety, and welfare.
- b. Co-Location of Antennas on Existing Utility or Antenna Poles. The applicant of any antenna proposed to be co-located on an existing utility or antenna pole in the County's roadway or road right of way must demonstrate by clear and convincing technical evidence that inability to install an antenna at a proposed location would

prohibit or have the effect of prohibiting the provision of telecommunications or personal wireless service. In the event that an antenna is co-located on an existing utility or antenna pole, the antenna shall be no greater than ten percent (10%) or ten (10) feet higher, whichever is less, than the height of the existing utility or antenna pole (excluding any antenna or other fixture extending above the top of the pole), except as otherwise required by law. Any facility supporting or associated with the establishment of an antenna on an existing utility or antenna pole shall be no greater than 20 square feet and no greater than 2 feet in width.

- c. Establishment of Antenna Poles. The applicant of any antenna pole proposed to be established within the County's roadway or road right of way must demonstrate by clear and convincing technical evidence that co-locating a proposed antenna on an existing utility or antenna pole would prohibit or have the effect of prohibiting the provision of telecommunications or personal wireless service. An antenna pole established in the County's roadway or road right of way shall be no greater than ten percent (10%) or ten (10) feet higher, whichever is less, than the height of the nearest existing utility or antenna pole (excluding any antenna or other fixture extending above the top of the pole) within 50 feet, and in no event shall the antenna pole be greater than 60 feet in height. An antenna established on the antenna pole shall be no greater than ten percent (10%) or ten (10) feet higher, whichever is less, than the antenna pole itself. Any facility supporting or associated with the establishment of an antenna on an antenna pole shall be no greater than 20 square feet and no greater than 2 feet in width. In no event shall more than 10 antenna poles be established with the County's roadway or road right of way per one (1) mile, and in no event shall more than 2 such poles be established per 500 feet. Further, in no event shall any antenna pole be established within 50 feet of another antenna pole. Any utility pole established in the County's roadway or road right of way shall be set back from the roadway travel edge at least 8 feet.
- d. Finality and Appeals. Any decision under this Section by the County Engineer shall be final, and appealable in accordance with R. 4:69 of the New Jersey Rules of Court.