

PERMIT TO APPLY DUST ABATEMENT

NAME OF APPLICANT: _____

ADDRESS: _____ PHONE: _____

The undersigned hereby applies for permission, pursuant to Franklin County's Policy and Procedures, to apply dust abatement to a Franklin County Road. Road Name _____, Road # _____ to Miles _____

located in the _____ Quarter of Section _____, Township _____ North, Range _____ East, W.M., approximately _____ feet North, South, East, West of _____ (landmark).

The estimated date or time required for completion of the work is _____ and the petitioner agrees to proceed with diligence and speed and with due regard for the rights, interests and convenience of the public. The petitioner further agrees to perform the work in strict compliance with the provisions and conditions enumerated below and states that he/she has read and will adhere to the Policy, Procedure and Rules contained on the reverse side of this form.

PROVISIONS AND CONDITIONS

- Proper signs, barricades, flagmen, lights, or flares shall be maintained as specified in the Manual On Uniform Traffic Control Devices. Signs shall be maintained until dust abatement product has stabilized.
- A minimum of one-way traffic shall be maintained during operation.
- Access shall be maintained for property owner(s) adjacent to the County Road.
- Used oils and/or waste products shall be prohibited.
- Dust abatement oils shall be virgin _____ specifically for dust control and shall strictly meet EPA standards.
- The dust abatement product to be used _____
- A MSDS (Material Safety Data Sheet) is required. A copy shall be submitted to the Public Works Director / County Engineer prior to dust abatement application.

A bond in the amount of \$ _____ is required to insure compliance with the above conditions and said bond will be kept in effect until the work authorized by this permit is completed by the Franklin County Public Works Department. The bond amount shall be based on \$1,000.00 per mile with a \$500.00 minimum. The Public Works Department shall be notified a minimum of 5 working days prior to the commencement of any work.

This permit shall be void unless the work herein contemplated has been completed before _____, 20____.

ACCEPTED BY:

APPROVED BY:

Owner _____

Public Works Director/County Engineer _____ Date _____

Contractor/Applicator _____ Date _____

Road Superintendent _____ Date _____

It is the responsibility of the applicant to notify all utilities and private property owners when such property is liable to injury or damage through the performance of the above work and the applicant shall make all necessary arrangements relative to the protection of such property and/or utilities.

POLICY

It is the policy of Franklin County that the County will not undertake any dust control measures involving the application of dust abatement materials on gravel roads. The County will allow, by permit, private individuals or corporations to contract said work under the following Procedures and Rules.

PROCEDURES AND RULES

1. The applicant, designated herein as the "grantee," his successors and assigns, shall have the right and authority to enter upon the right-of-way of the County road, street, alley, public place or structure as indicated on the front of this form, for the purpose of performing work as applied for and approved by the County Engineer.
2. Private individuals or corporations must obtain a permit from the Franklin County Public Works Department prior to the commencement of dust abatement application.
3. The grantee shall notify the Franklin County Public Works Department a minimum of 5 working days prior to the application of dust abatement. Franklin County shall grade the road to be treated as necessary to insure a smooth surface prior to commencement of the work. The application of the dust abatement shall commence within 4 hours of the County's preparation of the roadway surface.
4. Dust abatement materials to be used shall be specifically made for dust abatement. Dust abatement materials shall conform to DOE and EPA standards. Used oils and/or waste products are prohibited.
5. Prior to the application of dust abatement products on a County Road a MSD (Material Safety Data Sheet) shall be prepared and a copy shall be submitted to the Public Works Director / County Engineer.
6. Necessary maintenance of a County Road, treated with dust abatement due to roughness or drainage, or other problems shall be done at any time following the application of dust abatement. The determination of necessary maintenance shall be made by the Public Works Director / County Engineer or his/her representative.
7. Areas to be treated that are within 1/4 mile or less of existing paved sections of County Road shall be treated up to the paved or treated section. Franklin County will not approve a permit for application of dust abatement on a section of gravel road that is less than 600 feet in total length.
8. The location, type of work, materials and equipment used, manner of erection and construction, safeguarding of public traffic during work or after doing same, mode of operation and manner of maintenance of project petitioned for shall be approved by the County Engineer prior to start of work and shall be subject to inspection by the County Engineer to assure proper compliance with the terms of this permit.
9. The grantee shall leave all roads, streets, alleys, public places and structures in as good and safe condition in all respects as it was before commencement of work.
10. In case of any damage to roads, streets, alleys, public places, structures or public property of any kind on account of said work done by the grantee, he/she shall at once repair said damage at his/her sole cost and expense.
11. The County Engineer, his/her agents or employees may so order, or have done any and all work considered necessary to restore to a safe condition any roads, streets, alleys, public places or public property which is in a condition dangerous to life or property resulting from the grantee's work as permitted herein, and shall demand the grantee pay the County all costs of such work and materials.
12. The County Engineer may revoke, annul or terminate this permit if grantee fails to comply with any or all of its provisions, requirements or regulations as herein set forth or through willful or negligent neglect, fails to heed or comply with notices given him/her or if work herein permitted, is not applied in conformity herewith or at all.
13. The Board of County Commissioners may at any time, change amend, modify, amplify or terminate any of the conditions herein enumerated so as to conform to any state statute or regulation pertaining to the public welfare, safety, health or highway regulations as are, or may hereinafter be enacted, adopted or amended. The Board may also terminate this permit if grantee fails to comply with any such changes.
14. The grantee by accepting this permit agrees to notify and coordinate with all utilities regarding their installations before commencing work, together with private property owners whose property is liable to injury or damage through the performance of such work, and the applicant shall make all necessary arrangements relative to the protection of such property and/or utilities.
15. In accepting this permit, the grantee does hereby agree and undertake to construct and maintain the works or subject matter herein referred to in such a manner as to absolutely protect and preserve the County Road upon which the same is constructed or maintained and does hereby agree and undertake to indemnify and save harmless Franklin County or its officers, agents, or servants from all suits, actions, claims, or proceedings of every name or kind in law or in equity brought against it's officers, agents, or servants for on account of any injuries or damages received or sustained by any person, structure, or property by reason of or incidental to the construction and maintenance of the works or subject matter herein referred to.
16. It is expressly understood by said grantee that the permission herein granted is not a permanent or perpetual permission, easement, or franchise, but that the permission herein granted is a permission by sufferance only and that Franklin County reserves the right in the granting of this permission to at any time and for any reason revoke and terminate the same and to remove the works or subject matter herein referred to at any time at the cost of the grantee.
17. The construction and maintenance of the works or subject matter herein referred to shall, at all times, be subject to the approbation and approval of the Public Works Director / County Engineer of Franklin County.