

PERMIT TO CONSTRUCT, MAINTAIN OR REPAIR  
UTILITIES WITHIN HIGHWAY RIGHT-OF-WAY

**REQUEST BY APPLICANT**

Utility Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Office Phone \_\_\_\_\_ Fax No. \_\_\_\_\_

Contact Person \_\_\_\_\_ Cell Phone \_\_\_\_\_

Email \_\_\_\_\_

Type of Utility Installation \_\_\_\_\_  
(Ex.: Gas, Electric, Cable TV, Name of Communication - Fiber Optic, etc.)

Plan Enclosed \_\_\_\_\_ Yes \_\_\_\_\_ No

Utility Work Location is: \_\_\_\_\_

Appurtenances: \_\_\_\_\_ Above Ground \_\_\_\_\_ Under Ground: (ex: MH, HH, Pole, Pedestal, etc.)

Proposed Method of Installation:

\_\_\_\_\_ Tunnel \_\_\_\_\_ Overhead Cable \_\_\_\_\_ Place Anchor \_\_\_\_\_ Plow \_\_\_\_\_ Trench

\_\_\_\_\_ Directional Bore \_\_\_\_\_ Open Cut Pavement \_\_\_\_\_ Other

Estimated Starting Date \_\_\_\_\_ Estimated Completion Date \_\_\_\_\_

The Applicant understands and agrees that the permitted work shall comply with all permit provisions and conditions listed on the reverse side hereof, any special provisions attached hereto, and any and all plans, details or notes attached hereto and made a part thereof.

BY \_\_\_\_\_ Title \_\_\_\_\_

Date \_\_\_\_\_

**PERMIT APPROVAL BY PERMITTING AUTHORITY**

The foregoing application is hereby approved and permit issued by the Permitting Authority subject to full compliance by the Applicant with all provisions and conditions stated herein and on the reverse side hereof and all attachments hereto.

BY \_\_\_\_\_ Title \_\_\_\_\_  
(Signature of Authorized Permitting Authority Representative)

Date \_\_\_\_\_

Franklin Engineering 414-425-7510

CITY OF FRANKLIN  
UTILITY PERMIT PROVISIONS AND CONDITIONS OF ISSUANCE

Pursuant to Wisconsin Statutes, this permit is granted to allow performance of the specific work described herein. The following standard provisions and any included special provisions shall govern:

- (1) The Applicant agrees to indemnify and hold harmless the Permitting Authority, its employees and its agents, from any cost, claim, suit, liability and/or award which might come, be brought, or be assessed, because of the issuance or exercise of this permit or because of any adverse effect upon any person or property which is attributed to the partially or entirely completed works of the Applicant. Accomplishment of the permitted work or any part thereof, by or on behalf of the Applicant shall bind such Applicant to abide by this permit and all its conditions and provisions.
- (2) The permitted facilities shall, if necessary, be altered at the expense of the Applicant to permit alteration, improvement, or maintenance of the highway as may hereafter be ordered. The entire cost of constructing and maintaining the permitted facilities shall be the obligation of the Applicant unless a contract for such costs has been executed.
- (3) No open cutting for a crossing will be allowed where the pavement is too narrow to maintain one-way traffic at all times, unless the Permitting Authority has granted permission for a detour. Wherever the pavement is opened, the spoil shall be hauled away and the trench shall be backfilled with Lean concrete mix; the backfill shall conform to the requirements of Section 8.43.9 with the addition of a minimum of 1 bag of cement per cubic yard. The pavement removed for a road crossing shall be replaced as per the City of Franklin Design Standards and Construction Specifications.
- (4) When one-way traffic or a detour is used, the Applicant shall provide ALL NECESSARY SIGNS, FLAGMEN AND LIGHTS required according to the "Manual on Uniform Traffic Control Devices." When a detour is allowed, local newspapers shall be notified by the Applicant in advance of the work being started.
- (5) All disturbed area shall be returned to their present condition or better, subject to the satisfaction of the Permitting Authority or its representative. Access to all private drives and public street intersections shall be maintained and all disturbed areas completely restored.
- (6) Any trenching, tunneling, or excavating shall be performed in accordance with the requirements of OSHA and the Wisconsin Department of Industry, Labor and Human Relations, and any applicable local regulations.
- (7) A copy of this approval, along with any plans and special provisions, shall be available on the job site.
- (8) Upon completion of the work the Applicant shall file a written notice with the Franklin Engineering Department along with record drawing of the completed work.
- (9) All utilities shall be located within three feet of the right-of-way limits unless specific dimensions are shown on the attached sketch.
- (10) All work approved by this permit shall be completed in accordance with the City of Franklin Design Standards and Construction Specifications. Call the Franklin Engineering Department for inspections when commencing work at 414-425-7510.
- (11) This permit will expire one year after the approval date.
- (12) A permit fee will be required for all Applications per the fee schedule available from the Franklin Engineering Department.
- (13) This application approval and permit issuance is specifically subject to and conditioned upon the approval by the City of Franklin of a Special Use Application submitted by applicant for the subject facilities installation, pursuant to in part, §15-3.0805 WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS, subs. G. Special Uses, and §15-3.0701 GENERAL STANDARDS FOR SPECIAL USES, of the City of Franklin Unified Development Ordinance, excepting those terms and provisions thereof which have been preempted by Wis. Stat. § 66.0404 Mobile tower siting regulations. Any failure to obtain approval or upon any denial of the Special Use Application shall render the approval granted hereunder and the permit issuance null and void.
- (14) N.B. \*\*Note well- Meaning following words are of great importance: City of Franklin Engineering staff and Department of City Development staff have been informed that questions have arisen, not only state-wide, but also nation-wide, in part as to what specific service the applicant is actually and factually providing, and perhaps whether the applicant is a utility and/or an alternative telecommunications utility, and as such, whether federal and state laws relating to local right-of-way regulation of telecommunications service providers and municipal regulation of telecommunications service providers apply.