



RE: Public Utility Company Clear Zone Policy

DEFINITION

For purposes of this policy, “maintenance” is defined as repairs or replacement of an existing fixed object or obstacle. A fixed object or obstacle includes, but is not limited to, a power pole, guy pole, guy wire, telephone pedestal, and any above-ground fixture that services the utility.

POLICY

During maintenance activities, if a fixed object cannot be moved from the clear zone to meet the County’s current clear zone policy, the County may allow the obstructions to remain with consideration given to delineating or protecting the objects.

In order to be considered for an exception, the public utility company must submit a Public Utility Company Clear Zone Design Compliance Form expressing justification for consideration by the County. County Engineering staff will evaluate the application and use engineering judgment to approve or deny the exception request.

In accordance with AASHTO guidance, mitigation options shall be evaluated in the following order and justification provided by the applicant as to why options above that proposed are infeasible:

- 1) Removal of obstacle.
- 2) Redesign the obstacle so it can be traversed safely.
- 3) Relocate the obstacle to a point where it is less likely to be struck.
- 4) Reduce impact severity by using an appropriate breakaway device.
- 5) Shield the obstacle with a longitudinal traffic barrier for redirection or use a crash cushion or both.
- 6) Delineate the obstacle.

At the Public Works Director’s discretion, this policy may be utilized for non-maintenance related applications and for those applications related to fixed objects or obstacles not typically considered a facility.

Revisions to this policy and enclosed form shall be reviewed and approved by the Board of Commissioners.

BACKGROUND

Policy 1 of Section 10.2.6 Hazard Abatement of the *2005 Marion County Rural Transportation System Plan* establishes County's clear zone policy of a 10-foot clear zone adjacent to roadways along all public rights of way and the active pursuant of those objects encroaching upon the road in accordance with departmental policy.

The County recognizes there are circumstances when it is infeasible to move an existing fixed object to meet the clear zone policy. For maintenance activities on existing fixed objects, an exception may be considered. This policy is not intended for new installations or larger replacement projects, which may require a utility company to follow the current design exception process whereby a licensed professional engineer completes, stamps, and signs a Roadway Design Exception Request Form.

Establishing this Public Utility Company Clear Zone Policy allows for public utility companies to develop construction plans that comply with the County's clear zone policy to the maximum extent feasible, and provide the necessary documentation to the County for consideration when it is determined the clear zone policy cannot be met.

ATTACHMENTS

1. Public Utility Company Clear Zone Design Compliance Form
2. 2005 Marion County Rural Transportation System Plan Section 10.2.6 Hazard Abatement Policy 1 - Excerpt



Public Works Director

8/22/2024
Date



Public Utility Company Clear Zone Design Compliance Form

Purpose of this Form:

This form may be submitted by a public utility company to propose for County consideration the placement of a fixed object or obstacle within the clear zone associated with the maintenance of public utility infrastructure.

Design Criteria:

Project Name/Job Number:					
Request Timing:	<input type="checkbox"/> With Application	<input type="checkbox"/> Post-Construction (Field-Fit)			
Road Information					
Road Name:				Most Recent ADT:	
Right of Way Width (ft):			Roadway Context:	<input type="checkbox"/> Urban	<input type="checkbox"/> Rural
Urban features:	<input type="checkbox"/> Curb	<input type="checkbox"/> Sidewalk	<input type="checkbox"/> Landscape Strip	<input type="checkbox"/> Not Urbanized	
Rural features:	Ditch Foreslope:		Ditch Backslope:		<input type="checkbox"/> Not Applicable
Surface:	<input type="checkbox"/> Asphalt		<input type="checkbox"/> Gravel	<input type="checkbox"/> Other, provide:	
Designated Speed (mph):			Note: If unposted see ORS 811.105		
Horizontal Alignment:	<input type="checkbox"/> Straight		<input type="checkbox"/> Curve		
Additional Information:					
PUC Design Information					
Conflicting Objects/Structures?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Avoiding Trespass (i.e. Aerial)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Avoiding Excess Offset?	<input type="checkbox"/> Yes		<input type="checkbox"/> No		
Structure Inside/Outside Curve?	<input type="checkbox"/> Inside		<input type="checkbox"/> Outside	<input type="checkbox"/> Not Applicable	
Additional Information:					
Mitigation Measures Proposed					
In the space below provide information regarding the proposed mitigation option(s). Options shall be evaluated in the following order. Provide justification as to why all options above that proposed are infeasible:					
1) Removal of obstacle.					
2) Redesign the obstacle so it can be traversed safely.					
3) Relocate the obstacle to a point where it is less likely to be struck.					

4) Reduce impact severity by using an appropriate breakaway device.

5) Shield the obstacle with a longitudinal traffic barrier for redirection or use a crash cushion or both.

6) Delineate the obstacle.

Please provide any additional information in the area below:

Public Utility attests that the information provided on this form is true and accurate to the best of its knowledge and represents the true and accurate conditions at the time of submittal. Public Utility assumes all risk associated with the placement of a fixed object or obstacle within the clear zone and agrees to fully indemnify, defend, and hold harmless Marion County, its directors, officers, agents, and employees from and against all claims and actions based upon or arising out of damages or injuries to persons or property, caused by the Public Utility, its agents, contractors, or employees arising out of or related to the use or occupancy of a Public Utility fixed object or obstacle within the clear zone.

Public Utility Company

Date

Phone

Email

Signature

Printed Name

Concurred to by Marion County LDEP Supervisor or Traffic Engineer:

Signature

Date

Approved by Marion County Engineer:

Signature

Date

In addition, maintaining a clear zone along the roadway is necessary for safety. It requires the removal of obstructions through brushing, bank removal, tree removal, relocating utility poles and boxes, killing grass on gravel shoulders, picking up dumped garbage, etc. Some of these tasks are controversial as they can impact landscaping, environmentally sensitive areas, and possibly even property values. However, clear zones add to the safety of individuals using the roadway, which is a primary goal for the County.

Policies include:

- Policy 1:** Provide safe and useable shoulders and clear zones on County roads, to the extent possible, with priority given to arterials and collectors.
- Policy 2:** Maintain shoulders and ditches along County roadways to provide adequate drainage and protect the investment in the roadway system.
- Policy 3:** Conduct a roadside spraying program that is sensitive to environmental concerns.
- Policy 4:** Utilize alternatives to roadside spraying when possible and appropriate.
- Policy 5:** Conduct maintenance activities with due consideration to potential impacts on adjacent land.
- Policy 6:** The County may require relocation of roadside features (such as ditches, poles, equipment, etc.) to improve shoulders, clear zones, and other functional aspects of the roadway.

10.2.6 Hazard Abatement

Many things can constitute a hazard along a roadway. The County receives complaints about trees, mailbox structures, signs, boulders, landscaping, utility structures, bridge abutments, parked vehicles, dumped hazardous materials, and other obstacles. County crews notice many additional items while in the process of doing maintenance, construction, or other fieldwork. Many of the obstructions can eventually be abated, but some, like roadside trees in wooded areas or utility poles that cannot be relocated outside of the right-of-way, cannot reasonably be eliminated. Given the County's limited resources, hazard removals must be carefully evaluated and prioritized, with the most serious hazards warranting the most attention. The County will continue to work with property owners to mitigate hazards when their landscaping creates a problem.

Policies to guide the County in addressing these issues include:

- Policy 1:** Establish a 10-foot clear zone adjacent to roadways along all public rights-of-way through actively pursuing removal of obstacles on or encroaching upon the roadway that present a hazard to motorists and other users of the system in a timely manner and in accordance with departmental policies.