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Title 410 - NEBRASKA DEPARTMENT OF ROADS - RIGHT OF WAY DIVISION

Chapter 1 - Utility Permits

001 PERMITS FOR THE OCCUPANCY OF HIGHWAYS BY POLE LINES

001.01 DEFINITIONS: As used in the Regulations applicable to the issuance of permits for the occupancy of highways by pole lines, unless the context otherwise requires:

001.01A APPLICANT: A person who makes application for or acquires a permit to occupy a highway with pole lines.

001.01B DEPARTMENT: The Department of Roads of the State of Nebraska.

001.01C HIGHWAY: A road or street, including the entire area within the right of way and all structures thereon, which has been designed as a part of the State Highway System.

001.01D PERSON: Every natural person, firm, co-partnership, association, organization or corporation, both public and private.

001.02 Any person desiring to occupy any portion of a highway with a pole, pole line anchor or brace shall apply for a permit to do so except where the occupancy is a cross-arm overhang or a single private service pole.

001.03 All applications for permits shall be made on the form prepared and furnished by the Department.

001.04 Applications may be made to the Department of Roads, Box 94759, Lincoln, Nebraska 68509-4759.

001.05 Any person desiring to construct a single private service connection across a highway, a pole of which will rest upon the highway, will be required to make a report to the Department, and within forty-five days after the completion of the crossing. Such report shall be made on DR Form 21, furnished by the Department, and shall give the pertinent data with regard to the crossing and pole location. Where feasible, the above mentioned pole shall be located adjacent to an entrance to the property being served and no guy wires or braces to this pole shall be located on the highway.

001.06 All applications for a permit shall show the full name and address of the applicant and shall set forth the type of use that is desired by the applicant, that is, whether it is to be a crossing or parallel occupancy of the highway.

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001.07 The applicant shall submit a plan or sketch showing in detail the type of pole line he proposes to install, the size and height of the poles, the number of wires to be carried, the voltage of any transmission line, or any other information that may pertain to the location of the pole line on the highway to be occupied and shall show the exact location of the portions of the highway to be occupied with respect to land lines and civil subdivision. The plan or sketch shall also indicate the exact location of all proposed guy wires, anchors or braces.

001.08 No permit will be issued for the placing of deadmen, anchors, guy wires or braces unless the conditions requiring the same have been thoroughly investigated by a representative of the Department and it is found feasible to construct the line without the same.

001.09 If permission to place guy wires and braces on the highway is given subsequent to a Department investigation, the exact point of entry of the wires or braces into the ground shall be marked distinctly by the applicant in a manner meeting the approval of the Department.

001.10 The applicant will be required to indemnify and hold harmless the State of Nebraska from any damage of any nature to any person or property which may result from the applicant's operations on and from the occupancy of the highway.

001.11 The applicant will be held fully responsible for any damages to or defacing of the highway that may be caused by his operations and he will be required to restore said highway to its original condition.

001.12 After the receipt of the written application for permission to cross or parallel occupy any portion of the highway with a pole line, a permit may be granted by the Department. The permit shall set forth the regulations and restrictions governing the installation of the pole line and any specific instructions applying to the particular installation under consideration.

001.13 No work shall be performed by the applicant until he has obtained a permit.

001.14 The applicant shall provide and maintain, at his expense, adequate lights, signs or other protective devices so as to properly protect the traveling public during his operation on the highway.

001.15 The applicant shall conduct his operations in such a manner so as not to unreasonably interfere with or obstruct vehicular traffic on the highway.

001.16 Should the construction and maintenance of a highway necessitate the moving or relocating of any pole line, the owner shall move or relocate the line at his own expense and as directed by the Department except as otherwise provided by law with regard to the National System of Interstate and Defense Highways.

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001.17 Any owner required to move or relocate any pole line because of construction and maintenance of a highway will not be required to file application for relocation of existing pole lines.

ANNOTATION

**Title 410
Chapter 1
Section 001**

**Enabling Legislation
39-699; 39-1335;
39-1359; 39-1361;
70-515; 70-667 and
86-303.01 Neb. Rev. Stat.**