

## Sue Ryan

---

**From:** Kaaren Hofmann  
**Sent:** Friday, March 3, 2023 3:52 PM  
**To:** Sue Ryan  
**Subject:** FW: K19909 Newberg-Dundee Phase 2A: ODOT X-Permit Special Provisions and Application  
**Attachments:** x\_permit\_provisions\_easement\_holding\_City of Newberg.pdf

Sue-

Here is our easement from ODOT for utility lines in ODOT right-of-way. This should be filed with the property/easement stuff.

Let me know if you have any questions.

Thanks!

**Kaaren Hofmann, PE**

*City Engineer*

Direct: 503-537-1223

Cell: 971-281-9067

***Helpful Links:***

[City of Newberg Online GIS Mapping](#)

[City of Newberg Municipal Code](#)

[City of Newberg Public Works Design and Construction Standards](#)

---

**From:** Utility and Rail Program <UtilityandRailProgra@odot.oregon.gov>  
**Sent:** Friday, March 3, 2023 3:48 PM  
**To:** Fulgence Buggingo <Fulgence.Buggingo@consoreng.com>; Utility and Rail Program <UtilityandRailProgra@odot.oregon.gov>  
**Cc:** Dan Ebbighausen <Dan.Ebbighausen@consoreng.com>; WALKER Andrew J <Andrew.J.WALKER@odot.oregon.gov>; BARNER Steve <Steve.BARNER@odot.oregon.gov>; Kaaren Hofmann <Kaaren.Hofmann@newbergoregon.gov>; BIELENBERG Nick E <Nick.E.BIELENBERG@odot.oregon.gov>  
**Subject:** RE: K19909 Newberg-Dundee Phase 2A: ODOT X-Permit Special Provisions and Application

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Fulgence and Team,  
Please see the attached signed X Permit Provisions.

Let me know if you have any questions.

Thanks!

**Nicole Frankl**

ODOT State Utility and Rail Liaison

---

**From:** Fulgence Bugingo <[Fulgence.Bugingo@consoreng.com](mailto:Fulgence.Bugingo@consoreng.com)>  
**Sent:** Wednesday, February 8, 2023 4:48 PM  
**To:** Utility and Rail Program <[UtilityandRailProgra@odot.oregon.gov](mailto:UtilityandRailProgra@odot.oregon.gov)>  
**Cc:** Dan Ebbighausen <[Dan.Ebbighausen@consoreng.com](mailto:Dan.Ebbighausen@consoreng.com)>; WALKER Andrew J <[Andrew.J.WALKER@odot.oregon.gov](mailto:Andrew.J.WALKER@odot.oregon.gov)>;  
BARNER Steve <[Steve.BARNER@odot.oregon.gov](mailto:Steve.BARNER@odot.oregon.gov)>; [kaaren.hofmann@newbergoregon.gov](mailto:kaaren.hofmann@newbergoregon.gov); BIELENBERG Nick E  
<[Nick.E.BIELENBERG@odot.oregon.gov](mailto:Nick.E.BIELENBERG@odot.oregon.gov)>  
**Subject:** RE: K19909 Newberg-Dundee Phase 2A: ODOT X-Permit Special Provisions and Application  
**Importance:** High

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Hi Nicole,

We are submitting the attached documents on behalf of the City of Newberg regarding their request for ODOT X-Permit associated with the City water line relocations. The water relocations are being completed and included in the contract for the Newberg-Dundee Bypass Phase 2a project. Initial contacts with the District 3 Permit office suggested that since this is part of the Bypass contract, a Miscellaneous Permit was not needed on an ODOT project. However, the City estimates they should still be granted an X-Permit to protect them from paying for future relocations. So, we are unsure how the process moves forward and as such we are also copying both Andrew and Steve.

Documents are as follows:

- 1) "X" Permit Special Provisions signed by Applicant (City). Our understanding is that once you have reviewed and approved the form, you will forward it to District 3
- 2) X-Permit Application Form signed by Applicant (City). We have included pertinent Mile Point information to better describe the facilities in question.
- 3) A Plan showing the existing and proposed water lines being impacted by the Bypass project and where the water lines are to be relocated to
- 4) As-built plans showing City facilities either in easement or on City street (Sandoz Rd)

Please let us know if you have any questions or need further information regarding this application.

Thank you.

**Fulgence Bugingo, PE**

SENIOR ENGINEER

o: +1.503.225.9010

d: +1.503.546.0304

m: +1.503.560.5979



[consoreng.com](http://consoreng.com)

*The content of this email is confidential and intended for the recipient specified in message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.*

---

**From:** Utility and Rail Program <[UtilityandRailProgra@odot.oregon.gov](mailto:UtilityandRailProgra@odot.oregon.gov)>  
**Sent:** Tuesday, January 31, 2023, 5:05 PM  
**To:** Fulgence Bugingo <[Fulgence.Bugingo@consoreng.com](mailto:Fulgence.Bugingo@consoreng.com)>; Utility and Rail Program

<[UtilityandRailProgra@odot.oregon.gov](mailto:UtilityandRailProgra@odot.oregon.gov)>

Cc: HOWE Heather C <[Heather.C.HOWE@odot.oregon.gov](mailto:Heather.C.HOWE@odot.oregon.gov)>; Dan Ebbighausen <[Dan.Ebbighausen@consoreng.com](mailto:Dan.Ebbighausen@consoreng.com)>

Subject: RE: K19909 Newberg-Dundee Phase 2A: X-Permit Special Provisions

Hi Fulgence,

I would go to the following website: [Oregon Department of Transportation : Utility Forms : Right of Way : State of Oregon](#)

And look at this information for X-permits as this is the most up-to-date.

#### Reimbursable Project Work Forms

Document Name	Description
<a href="#">Relocation Time Requirement Letter, Second Notice</a>	Notification letter to utility owner describing relocation and adjustment plans, in completion date, as understood by ODOT.
<a href="#">Transmittal Request Form</a>	For use by Utility Specialist when requesting services of State Utility Liaison.
<a href="#">Utility Billing Checklist</a>	Supplemental tool to aid in tallying expenses
<a href="#">Utility Billing Memo</a>	For use by Utility Specialist to request payment services from State Utility Liaison.
<a href="#">Utility Certification - Design Build</a>	Complete this form at PS&E to certify all utility work has been completed or arrangements have been made for work to be completed. Return certification to the State Utility and Rail Liaison.
<a href="#">X Permit Package Example</a>	Example package for use as reference.
<a href="#">X Permit Special Provisions for Easement Holding</a>	For use when an X Permit will be issued to a utility owner with a compensable a prior-right easement holding.
<a href="#">X Permit Special Provisions with Fee Title Holding</a>	For use when an X Permit will be issued to a utility owner with a compensable a prior-right fee title holding.

Showing 21 through 28 out of 28 items

< Previous

1

2

3

Show

10 per

Please let me know if you have other questions.

**Nicole Frankl**

ODOT State Utility and Rail Liaison

---

**From:** Fulgence Bugingo <[Fulgence.Bugingo@consoreng.com](mailto:Fulgence.Bugingo@consoreng.com)>  
**Sent:** Monday, January 30, 2023, 5:42 PM  
**To:** FRANKL Nicole <[Nicole.FRANKL@odot.oregon.gov](mailto:Nicole.FRANKL@odot.oregon.gov)>; Utility and Rail Program  
<[UtilityandRailProgra@odot.oregon.gov](mailto:UtilityandRailProgra@odot.oregon.gov)>  
**Cc:** HOWE Heather C <[Heather.C.HOWE@odot.oregon.gov](mailto:Heather.C.HOWE@odot.oregon.gov)>; Dan Ebbighausen <[Dan.Ebbighausen@consoreng.com](mailto:Dan.Ebbighausen@consoreng.com)>  
**Subject:** RE: K19909 Newberg-Dundee Phase 2A: X-Permit Special Provisions

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Hi Nicole,

On the same project...The City of Newberg is preparing to submit the application for an X-Permit for their water and reuse water lines on the west side of Hwy 219, south of the current OR18: Newberg – Dundee Bypass. See attached graphic.

I came across the attached X\_permit\_provisions document that we used over a decade ago. Is this the right form to use or there is a more current one?

Thank you.

**Fulgence Bugingo, PE**

SENIOR ENGINEER

o: +1.503.225.9010

d: +1.503.546.0304

m: +1.503.560.5979



[consoreng.com](http://consoreng.com)

*The content of this email is confidential and intended for the recipient specified in message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.*

---

**“X” PERMIT SPECIAL PROVISIONS  
FOR  
UTILITIES WITH A COMPENSABLE INTEREST OR A PRIOR RIGHT  
EASEMENT HOLDING**

1. The Oregon Transportation Commission acknowledges that the City of Newberg potable water and reuse water facilities covered by this X Permit originally occupied Applicant’s private easement.
2. The Oregon Transportation Commission agrees to reimburse the Applicant the costs Applicant incurs in removing or relocating the facilities detailed in this X Permit in the event such removal or relocation is required at any future time by the Oregon Transportation Commission.
3. Oregon Administrative Rule 734-055-0017 shall not apply to this X Permit.
4. Oregon Administrative Rule 734-055-0020(2) and (3) shall not apply to this X Permit.
5. Oregon Administrative Rule 734-055-0025(1) shall not apply to this X Permit. The applicant shall, however, be responsible and liable for all damage or injury to any person or property resulting from the applicant’s negligence in connection with the physical location, installation, construction, maintenance, operation or use of the applicant’s facility or operations for which applicant has been granted this X Permit. The applicant shall indemnify and hold harmless the State of Oregon, the Oregon Transportation Commission, and the Oregon Department of Transportation against any and all damages, claims, demands, actions, causes of action, costs and expenses of whatsoever nature which the State of Oregon, the Oregon Transportation Commission, or the Oregon Department of Transportation may sustain by reasons of the negligent acts, conduct, or operations of applicant, applicant’s agents or applicant’s employees in connection with the physical location, installation, construction, maintenance, repair, operation or use of the applicant’s facility.
6. Oregon Administrative Rule 734-055-0025(2) shall not apply to this X Permit.
7. Oregon Administrative Rule 734-055-0025(3) shall not apply to this X Permit, however, the Department of Transportation of the State of Oregon, the Chief Engineer, and Department of Transportation employees shall not be responsible or liable for injury or damage that may occur to the facilities detailed in this X Permit resulting from motorist or road user operations.
8. Oregon Administrative Rule 734-055-0045(1) shall not apply to this X Permit.
9. Oregon Administrative Rule 734-055-0045(4) shall apply to this X Permit, however, the applicant shall not pay the costs of removal or relocation of the applicant’s facilities covered by this X Permit. Such costs of removal or relocation shall instead be the responsibility of the Oregon Transportation Commission.
10. The rights and privileges granted to the applicant pursuant to this X Permit shall not be changed or

abrogated pursuant to Oregon Administrative Rule 734-055-0060(5) without compensating the applicant in accordance with the takings provisions of the United States Constitution, Amendment V and the Oregon Constitution, Article I, Section 18.

11. Oregon Administrative Rule 734-055-0025(9) shall apply to this X Permit, however, the Applicant shall not pay the costs of the inspection set forth in Oregon Administrative Rule 734-055-0025(9).

12. In the event the Oregon Transportation Commission requires the Applicant's removal or relocation of the facilities described in this X Permit, the Oregon Transportation Commission shall provide written notice to the Applicant one hundred and eighty (180) days before such removal or relocation must be accomplished.



2/3/2023

---

Applicant Name: Kaaren Hofmann, City Engineer

Date:



2/3/2023

---

ODOT Representative: Georgine Gleason, State Right of Way Manager

Date:





# APPLICATION AND PERMIT TO OCCUPY OR PERFORM OPERATIONS UPON A STATE HIGHWAY

See Oregon Administrative Rule, Chapter 734, Division 55

PERMIT NUMBER

03M47542

CLASS :

KEY# 19909

GENERAL LOCATION				PURPOSE OF APPLICATION (TO CONSTRUCT/OPERATE/MAINTAIN)												
HIGHWAY NAME AND ROUTE NUMBER OR-219 / 140 / Hillsboro-Silverton and OR-18: Newberg-Dundee Bypass				<input type="checkbox"/> POLE LINE	TYPE	MIN. VERT. CLEARANCE										
HIGHWAY NUMBER 140	COUNTY Yamhill			<input type="checkbox"/> BURIED CABLE	TYPE											
BETWEEN OR NEAR LANDMARKS OR18: Newberg-Dundee Bypass				<input checked="" type="checkbox"/> PIPE LINE	TYPE Water											
HWY. REFERENCE MAP ODOT TransGIS	DESIGNATED FREEWAY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IN U.S. FOREST <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<input type="checkbox"/> NON-COMMERCIAL SIGN AS DESCRIBED BELOW												
APPLICANT NAME AND ADDRESS Kaaren Hofmann, PE, City Engineer, City of Newberg 414 E. First Street/P.O. Box 970 Newberg, OR 97132				<input checked="" type="checkbox"/> MISCELLANEOUS OPERATIONS AND/OR FACILITIES AS DESCRIBED BELOW												
				<table border="1"> <tr> <th colspan="3">FOR ODOT USE ONLY</th> </tr> <tr> <td>BOND REQUIRED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</td> <td>REFERENCE: OAR 734-055-0035(2)</td> <td>AMOUNT OF BOND N/A</td> </tr> <tr> <td>INSURANCE REQUIRED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</td> <td>REFERENCE: OAR 734-055-0035(1)</td> <td>SPECIFIED COMP. DATE N/A</td> </tr> </table>				FOR ODOT USE ONLY			BOND REQUIRED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	REFERENCE: OAR 734-055-0035(2)	AMOUNT OF BOND N/A	INSURANCE REQUIRED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	REFERENCE: OAR 734-055-0035(1)	SPECIFIED COMP. DATE N/A
FOR ODOT USE ONLY																
BOND REQUIRED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	REFERENCE: OAR 734-055-0035(2)	AMOUNT OF BOND N/A														
INSURANCE REQUIRED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	REFERENCE: OAR 734-055-0035(1)	SPECIFIED COMP. DATE N/A														

## DETAIL LOCATION OF FACILITY (For more space attach additional sheets)

MILE POINT	MILE TO POINT	ENGINEERS STATION TO	ENGINEERS STATION	SIDE OF HWY OR ANGLE OF CROSSING	DISTANCE FROM CENTER OF PVMT	R/W LINE	BURIED CABLE OR PIPE DEPTH/VERT.	SIZE AND KIND	SPAN LENGTH
MP 21.86	MP 21.99			East			4 feet	18" DI	610'
MP 21.99	MP 21.99			Crossing			4 feet	18" DI	120'
MP 59.59	MP 59.65			South			4 feet	18" DI	330'
MP 59.43	MP 59.65			South			4 feet	10" PVC	1360'
MP 21.87	MP 21.99			West			4 feet	10" DI	580'

## DESCRIPTION OF DESIRED USE

Installation of 18" diameter DI pipeline for potable water, and 10" diameter PVC/DI pipeline for reuse water line. Reimbursable work included in ODOT Contract for the OR18: Newberg-Dundee Bypass (Phase 2a) Project, Key 19909.

## SPECIAL PROVISIONS (FOR ODOT USE ONLY)

## TRAFFIC CONTROL REQUIRED

◆ ☐ YES [OAR 734-055-0025(6)] ☒ NO

## OPEN CUTTING OF PAVED OR SURFACED AREAS ALLOWED

◆ ☐ YES [OAR 734-055-0100(2)] ☒ NO [OAR 734-055-0100(1)]

◆ AT LEAST 48 HOURS BEFORE BEGINNING WORK, THE APPLICANT OR HIS CONTRACTOR SHALL NOTIFY THE DISTRICT REPRESENTATIVE Steve Barner AT PHONE NO.: 503-986-5831 OR EMAIL OR FAX THIS PAGE TO THE DISTRICT OFFICE AT: . SPECIFY TIME AND DATE WORK IS TO OCCUR.

◆ A COPY OF THIS PERMIT AND ALL ATTACHMENTS SHALL BE AVAILABLE AT THE WORK AREA DURING CONSTRUCTION.

◆ ATTENTION: Oregon Law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth in OAR 952-001-0001 through OAR 952-001-0090. You may obtain copies of the rules by calling the center at (503) 232-1987.

CALL BEFORE YOU DIG 1-800-332-2344

## COMMENTS (FOR ODOT USE ONLY)

SEE ATTACHED SPECIAL PROVISIONS

IF THE PROPOSED APPLICATION WILL AFFECT THE LOCAL GOVERNMENT, THE APPLICANT SHALL ACQUIRE THE LOCAL GOVERNMENT OFFICIAL'S SIGNATURE BEFORE ACQUIRING THE DISTRICT MANAGER'S SIGNATURE.

LOCAL GOVERNMENT OFFICIAL SIGNATURE <b>X</b> <i>[Signature]</i>		TITLE City Engineer	DATE 2/3/2023
APPLICANT SIGNATURE <b>X</b> <i>[Signature]</i>	APPLICATION DATE	TITLE	TELEPHONE NO.
DISTRICT MANAGER OR REPRESENTATIVE <b>X</b> <i>[Signature]</i>			APPROVAL DATE 3-15-23

When this application is approved by the Department, the applicant is subject to, accepts and approves the terms and provisions contained and attached, and the terms of Oregon Administrative Rules, Chapter 734, Division 55, which is by this reference made a part of this permit.

03M47542

MILE POINT TO MILE POINT		ENGINEERS STATION TO ENGINEERS STATION		SIDE OF HWY OR ANGLE OF CROSSING	DISTANCE FROM		BURIED CABLE OR PIPE		SPAN LENGTH
					CENTER OF PVMT	R/W LINE	DEPTH/VERT.	SIZE AND KIND	
				South					



**GENERAL PROVISIONS  
FOR POLELINE, PIPELINE, BURIED CABLE,  
AND MISCELLANEOUS PERMITS**

Revised April 2022

**03M47542**

<b>APPLICANT: City of Newberg</b>	<b>PERMIT NO.:03M47542</b>
<b>HIGHWAY:140 / 039</b>	<b>MP:21.86-21.99 / 59.43-59.65</b>

These permit provisions are in addition to the requirements described in Oregon Administrative Rule, Chapter 734, Division 55 and may be supplemented by permit special provisions. In the event of a conflict, the Administrative Rule will apply then these provisions followed by any permit special provisions. Unless otherwise specified, all documents referenced are references to the current version, with any revisions or supplements, in place when the work is conducted.

All checked (☒) provisions apply.

**WORKSITE**

- ☐ 1. Access control fence must be maintained during permitted work and restored to its original or better condition after permitted work is complete.
- ☒ 2. The Applicant shall not use state highway right of way to display advertising signs or to display or sell merchandise of any kind.
- ☒ 3. The stopping and parking of vehicles upon state highway right of way for the maintenance of adjoining property or in furtherance of any business transaction or commercial establishment is prohibited.
- ☐ 4. All grass and small brush within the work area shall be rotary or flail mowed to ground level prior to the beginning of work to facilitate clean up.
- ☐ 5. Disturbed areas shall be reseeded with grass native to the area in an appropriate seeding time.
- ☒ 6. The spreading of mud or debris upon any state highway is prohibited and violation shall be cause for immediate cancellation of the permit. Clean up shall be at the Applicant's expense. The highway shall be cleaned of all dirt and debris at the end of each work day, or more frequently as directed by the District Manager or representative.
- ☒ 7. Applicant shall replace any landscape vegetation or fences that are damaged or destroyed. Any damage that is not fully restored within 30 days may be replaced by ODOT at the expense of the Applicant. A "plant establishment" shall be understood to be part of the planting work to assure satisfactory growth of planted materials. The plant establishment period will begin when the original planting has been completed and approved. The length of the establishment period will be one calendar year or as defined in the permit Special Provisions.
- ☐ 8. Applicant shall install and maintain the landscaped area as shown on the attached drawings. Plantings shall be limited to non-invasive, low-growing shrubs, grass or flowers that do not attain sufficient height to obstruct clear vision in any direction. ODOT may remove plantings without liability or loss, injury, or damage of any nature whatsoever if in the future it is determined to be in the public interest to do so.

**TRAFFIC**

- ☒ 9. The work area shall be protected in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), and the Oregon Temporary Traffic Control Handbook as supplemented or amended by ODOT.
- ☒ 10. For work requiring traffic control devices to be in place continuously for longer than three days, Applicant shall provide a site specific traffic control plan developed based on the principles of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) and ODOT Standards. The traffic control plan may be reviewed by ODOT before work begins. The ODOT review does not relieve the Applicant of responsibility for the accuracy of the traffic control plan.
- ☒ 11. For permitted utility work, the Applicant shall take measures necessary to maintain the accessibility of the state highway including sidewalks and pedestrian areas by individuals with disabilities to the ODOT

Americans with Disability Act (ADA) standard during the course of the work by following the Oregon Temporary Traffic Control Handbook, Section 1.6.

- ☐ 12. When constructing a new utility service line, Applicant shall ensure that advance notice of any temporary pedestrian route is provided in an accessible format to the public, people with disabilities, and disability organizations to the greatest extent possible. The Notice is to be sent to the organizations on the contact list of Centers for Independent Living at [https://www.oregon.gov/odot/Engineering/DOCS\\_ADA/AOCIL-Contacts.pdf](https://www.oregon.gov/odot/Engineering/DOCS_ADA/AOCIL-Contacts.pdf)
- ☒ 13. All damaged or removed highway signs shall be replaced by the Applicant. Installation shall be according to MUTCD and ODOT standards, and shall be completed as soon as possible but no later than the end of the work shift.
- ☒ 14. No lane restrictions are permitted on the roadway during the hours of darkness, on weekends, or between 6:00 AM and 9:00 AM, or 3:00 PM and 6:00 PM (Monday through Friday) without prior approval by ODOT.
15. Hours of work shall be \_\_\_\_\_

## DRAINAGE

- ☐ 16. On-site storm drainage shall be controlled within the permitted property. No blind connections to existing state facilities are allowed.
- ☐ 17. Excavation shall not be done on ditch slopes. Trench excavation shall either be at ditch bottom or outside ditch area. (Minimum depth at bottom of ditch shall be 36 inches; minimum depth outside of ditch shall be 42 inches).
- ☐ 18. Only earth or rock shall be used as fill material and shall slope so as not to change or adversely affect existing drainage. Fine grade and seed the finished fill with native grasses to prevent erosion.
- ☐ 19. A storm drainage study stamped by an Oregon Registered Professional Engineer (PE) is required. The study must meet standards of the National Pollution Discharge Elimination Systems (NPDES) when any of the following conditions apply:
- whenever a four inch pipe is inadequate to serve the developed area,
  - development site is one acre or larger in size and directly or indirectly affects state facilities, or
  - as directed by the District Manager or representative.
- ☐ 20. Applicant shall provide on-site retention for storm water runoff that exceeds that of the undeveloped site.
- ☐ 21. All water discharged to an ODOT drainage system must be treated prior to discharge. All requests for connection to an ODOT storm system must meet any requirements of the National Pollutant Discharge Elimination System (NPDES). This may include local jurisdiction approval of on-site water quality treatment facilities and/or development of an operation and maintenance plan for any on-site water quality treatment facility, as determined by local jurisdiction.

## EXCAVATION / CONSTRUCTION

- ☒ 22. "Oregon Standard Specifications for Construction" and ODOT "Standard Drawings" where applicable and not otherwise superseded by the permit, shall be incorporated for use in the permit; <https://www.oregon.gov/odot/engineering/pages/index.aspx>. These documents apply only to the extent they provide standards and performance requirements for work to be performed under the permit. In the event of a conflict, the permit provisions will take precedent.
- ☐ 23. Trench backfill shall be according to the attached typical drawing, marked as Exhibit A.
- ☐ 24. When open cutting of the highway is allowed, all excavation in paved areas shall be backfilled and the roadway surface patched before the end of each shift.
- ☐ 25. Steel plates shall be pinned and a temporary cold patch applied to the edges. The Applicant shall be responsible for monitoring and maintenance of temporary patching and steel plating.
- ☐ 26. Compaction tests shall be required for each open cut per Oregon Standard Specifications for Construction. Compaction tests shall be conducted once for every 300 lineal feet per lift of continuous trench according to the Manual of Field Test Procedures (MFTP), published by ODOT. Percent Compaction shall be at least 95%. Results of compaction test shall be provided upon request of the District Manager or representative at Applicants' expense.

- ☐ 27. Control Density Fill (CDF) shall be used as surface backfill material in place of crushed rock in open trenches that impact the travel portions of the highway. A ¾"-0, or 1"-0 rock will be used for the aggregate. The amount of cement used shall not exceed 3.0% of the total mixture's weight. Maximum compressed strengths must not exceed 250 pounds per square inch (psi).
- ☐ 28. Surface restoration shall be a minimum of four inches of hot asphalt-concrete (AC), compacted in two inch lifts, or to match existing pavement depth, whichever is greater. Sand-seal all edges and joints.
- ☒ 29. Any area of cut or damaged asphalt shall be restored in accordance with the attached "T-Cut Typical Section" drawing. For a period of two years following the patching of the paved surface, Applicant shall be responsible for the condition of the pavement patches, and during that two year period shall repair to District Manager or representative's satisfaction any of the patches which become settled, cracked, broken, or otherwise faulty.
- ☐ 30. An overlay to seal an open-cut area shall be completed prior to the end of the construction season, or when minimum temperature allows per the Oregon Standard Specification for Construction. The overlay shall be 1.5 inches deep and cover the affected area from edge of pavement to edge of pavement, and taper longitudinally at a fifty feet to one inch (50':1") ratio. Taper may be adjusted by the District Manager as required. For a period of two years following this patching of the paved surface, the Applicant shall be responsible for the condition of said pavement patches, and during that time shall repair to the District Manager or representative's satisfaction any of the patches which become settled, cracked, broken or otherwise faulty.
- ☐ 31. Highway crossings of utility lines shall be bored, or jacked. Bore pits shall be located behind the ditch line unless otherwise specified in the permit. Unattended pits shall either be protected by a six-foot fence, backfilled, or steel plated and pinned.
- ☐ 32. Any non-conductive, un-locatable, underground facility shall have a tracer wire or other similar conductive marking tape or device placed the full length of the installed underground facility in compliance with the Oregon Utilities Notification Center rules, OAR Chapter 952.
- ☐ 33. Trench backfill outside of ditch line may be native soil compacted at optimum moisture in twelve inch layers to not less than 95% relative maximum density.
- ☐ 34. Native material that is unsatisfactory for compaction shall be disposed of off the work site and granular backfill used.
- ☐ 35. Trench backfill in rock slope or shoulder shall be crushed 1"-0 or ¾"-0 size rock compacted at optimum moisture in eight-inch layers. Compaction tests shall be conducted according to the Manual of Field Test Procedures (MFTP), published by ODOT. Percent compaction shall be at least 95% maximum density. At the request of the District Manager or representative, results of compaction tests shall be provided to District Manager or representative at Applicant's expense.
- ☐ 36. Where excavation is on fill slope steeper than a two to one (2:1) ratio, slope protection shall be provided using four-inch size rock laid evenly to a minimum depth of twelve inches.
- ☐ 37. No more than 300 feet of trench longitudinally along the highway shall be left open at any one time and no trench shall be left in an open condition overnight.
- ☒ 38. Areas of disturbed cut and fill slopes shall be restored to a condition suitable to the District Manager or representative. Areas of erosion to be inlaid with an acceptable riprap material.
- ☐ 39. All underground utilities shall be installed with three-foot or more of horizontal clearance from existing or contract plans guardrail posts and attachments.
- ☒ 40. Any area of cut or damaged concrete shall be restored in accordance with the attached Typical Section-Pipe Section under sidewalk.
- ☒ 41. Utility markers, pedestals, and vaults shall be placed as near the highway right-of-way line as practical. In no case shall pedestals, vaults, and line markers be located within the area where highway maintenance activities regularly occur including mowing operations, or nearer the pavement edge than any official highway sign in the same general location.
- ☐ 42. No cable plowing is allowed within the lateral support of the highway asphalt (e.g. at six feet lower than the edge of the asphalt, no plowing within nine feet of the edge of the asphalt).
- ☐ 43. Review by the ODOT Bridge Engineer is required for all proposed bridge and structure attachments and for any facilities to be installed within sixteen feet of bridge foundations, supports, walls or related elements, or within the influence zone of bridge facilities.

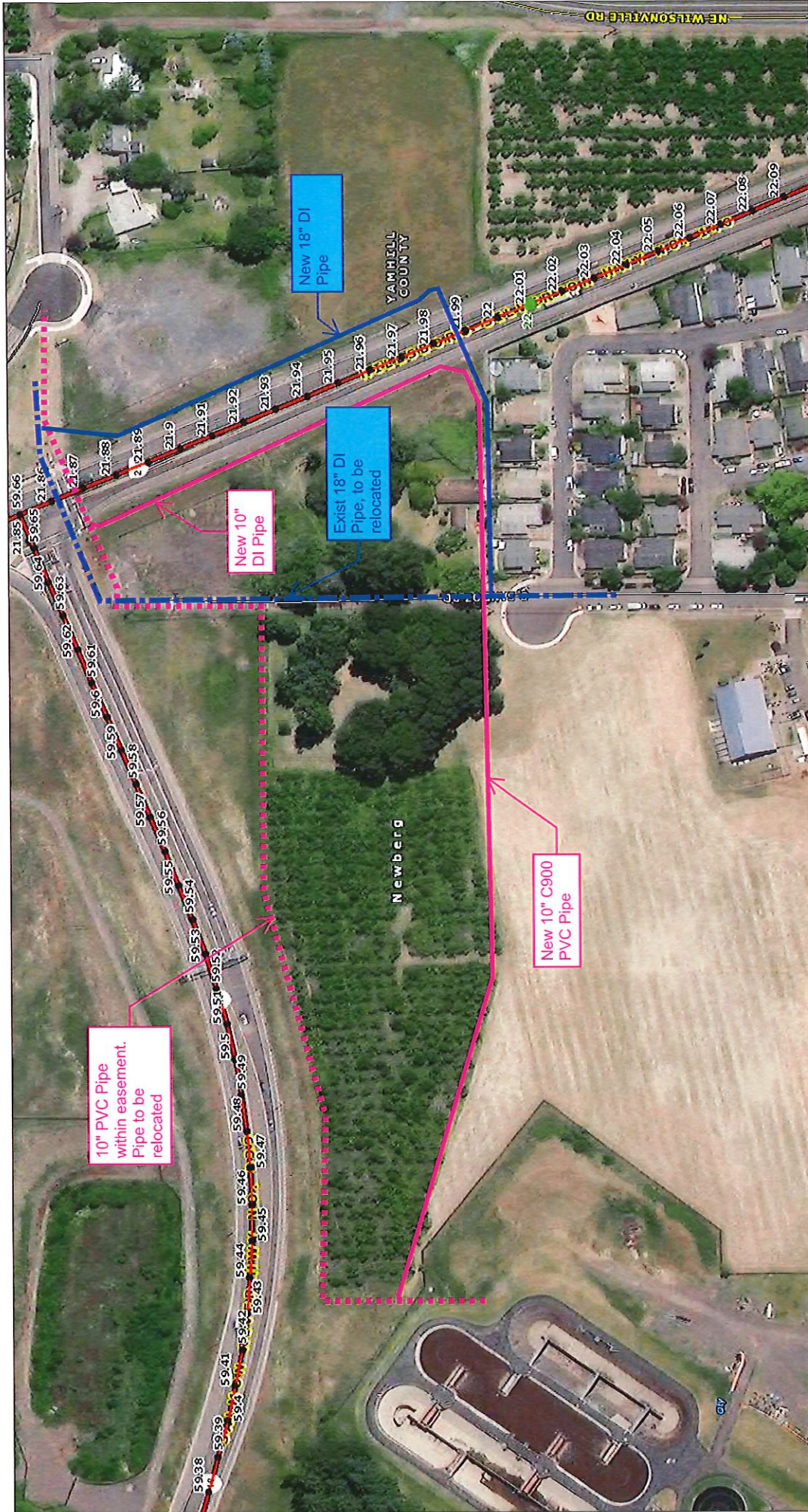


## MISCELLANEOUS

03M47542

- ☒ 44. Applicant shall be responsible and liable for (1) investigating presence/absence of any legally protected or regulated environmental resource(s) in the action area; (2) determining any and all restrictions or requirements that relate to the proposed actions, and complying with such, including but not limited to those relating to hazardous material(s), water quality constraints, wetlands, archeological or historic resources(s) state and federal threatened or endangered species, etc., (3) complying with all federal, state, and local laws, and obtaining all required and necessary permits and approvals.
- ☒ 45. If the Applicant impacts a legally protected/regulated resource, Applicant shall be responsible for all costs associated with such impact, including, but not limited to all costs of mitigation and rehabilitation, and shall indemnify, and hold ODOT harmless for such impacts and be responsible and liable to ODOT for any associated costs or claims that ODOT may have.
- ☒ 46. Plans are reviewed by ODOT in general only and do not relieve the Applicant from completing roadway improvements in a manner satisfactory to ODOT. The District Manager or representative may require field changes. When revisions are made in the field, Applicant is responsible to provide "as built" drawings, within 60 days from completion of roadway improvements, and shall submit them to the District Office issuing the permit.
- ☒ 47. Applicant shall be responsible for locating and preserving all existing survey monumentation within the work area in accordance with ORS 209.150 and/or 209.155. If monumentation or its accessories are inadvertently or otherwise disturbed or destroyed, Applicant shall be responsible for all costs and coordination associated with its reestablishment by a professional licensed surveyor.
- ☒ 48. Applicant shall be responsible to restore or replace any curbs or curb ramps damaged by the permitted activity according to ODOT's ADA Standards available at <https://www.oregon.gov/ODOT/Engineering/Pages/Accessibility.aspx>. Any review or inspection of the curbs or curb ramps conducted by ODOT does not relieve the Applicant of the responsibility to comply with any other aspect of federal, state, and local laws, rules and regulations applicable to the work allowed under the permit including but not limited to the Americans with Disabilities Act of 1990.
- ☐ 49. When constructing a minor roadway improvement, Applicant shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this permit, including, without limitation, the provisions of ORS 276.071. If Applicant chooses to assign their permitted responsibilities to a consultant or contractor, Applicant shall inform the consultant or contractor of the requirements of ORS 276.071.
- ☐ 50. Upon completion of the permitted minor roadway improvement, Applicant shall notify ODOT and request final inspection. If all structures and appurtenances constructed under this permit are found to be in compliance with permit provisions and state standards, ODOT will accept ownership of the permitted structures and appurtenances by written notice to the Applicant.





12/20/2022

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Oregon Department of Transportation

This product is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. Users of this product should review and consult the primary data sources to determine the usability



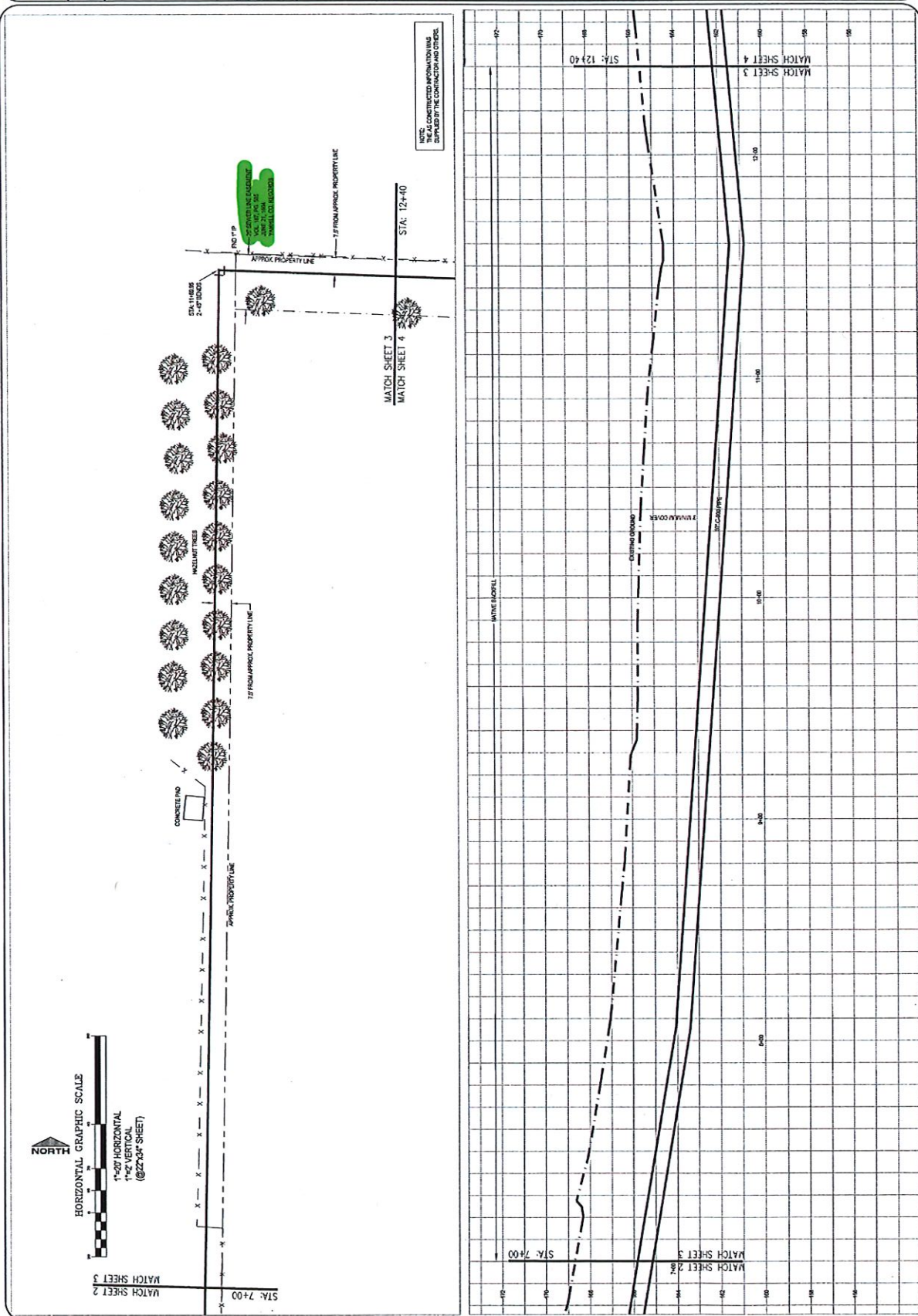




DESIGNED: 12/2006 DRAWN: 12/2006 CHECKED: 12/2006 DATE: 11/2008 PROJECT NO. 103-010	CITY OF NEWBERG REUSE PIPELINE PLAN AND PROFILE STATION 7+00 TO 12+40	SHEET NO. 3 OF 17 PROJECT NO. 103-010
---	--	--

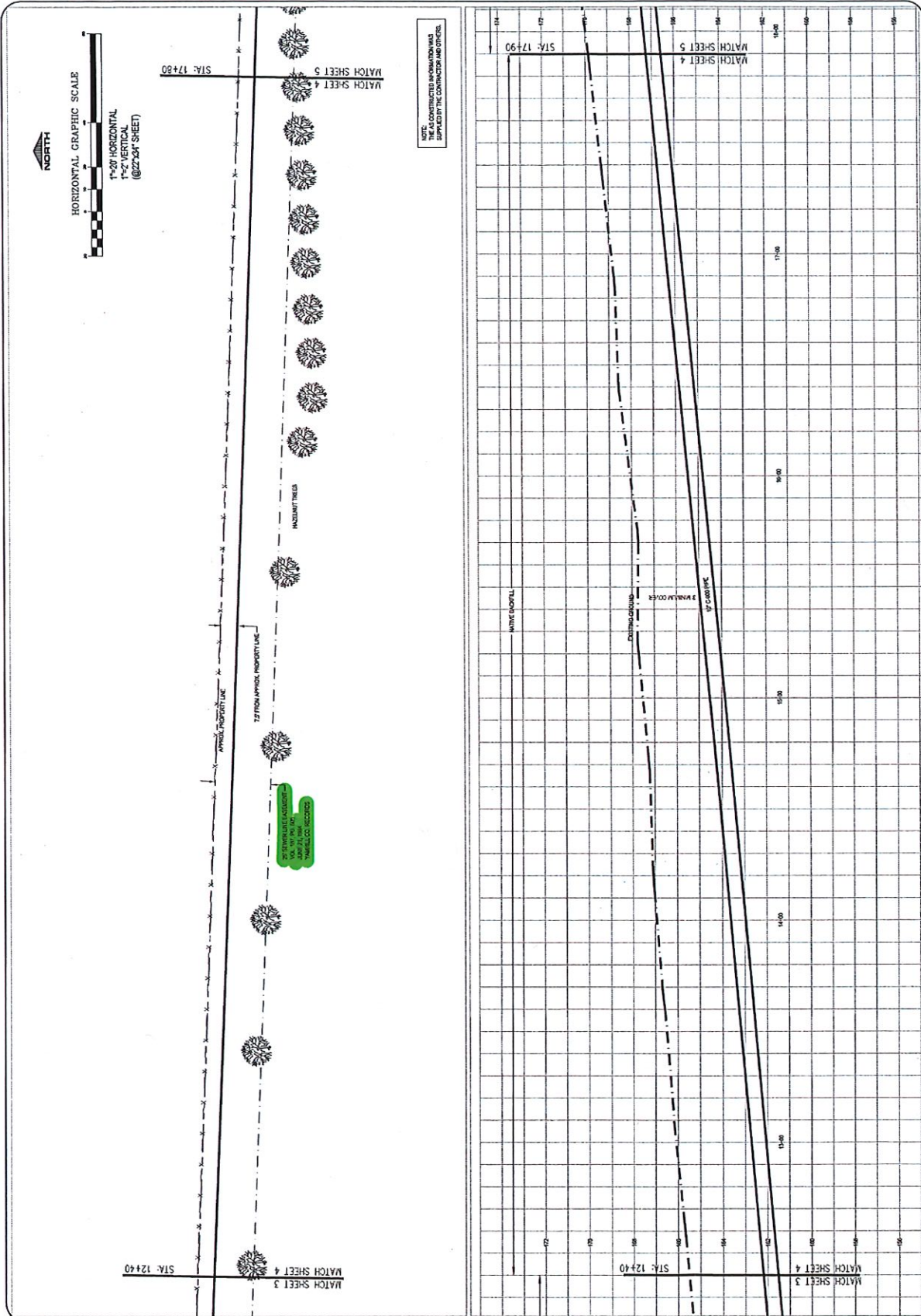


FOR SIGNATURE  
& SEAL REFER  
TO ORIGINAL  
DRAWINGS  
DATED 12/2006



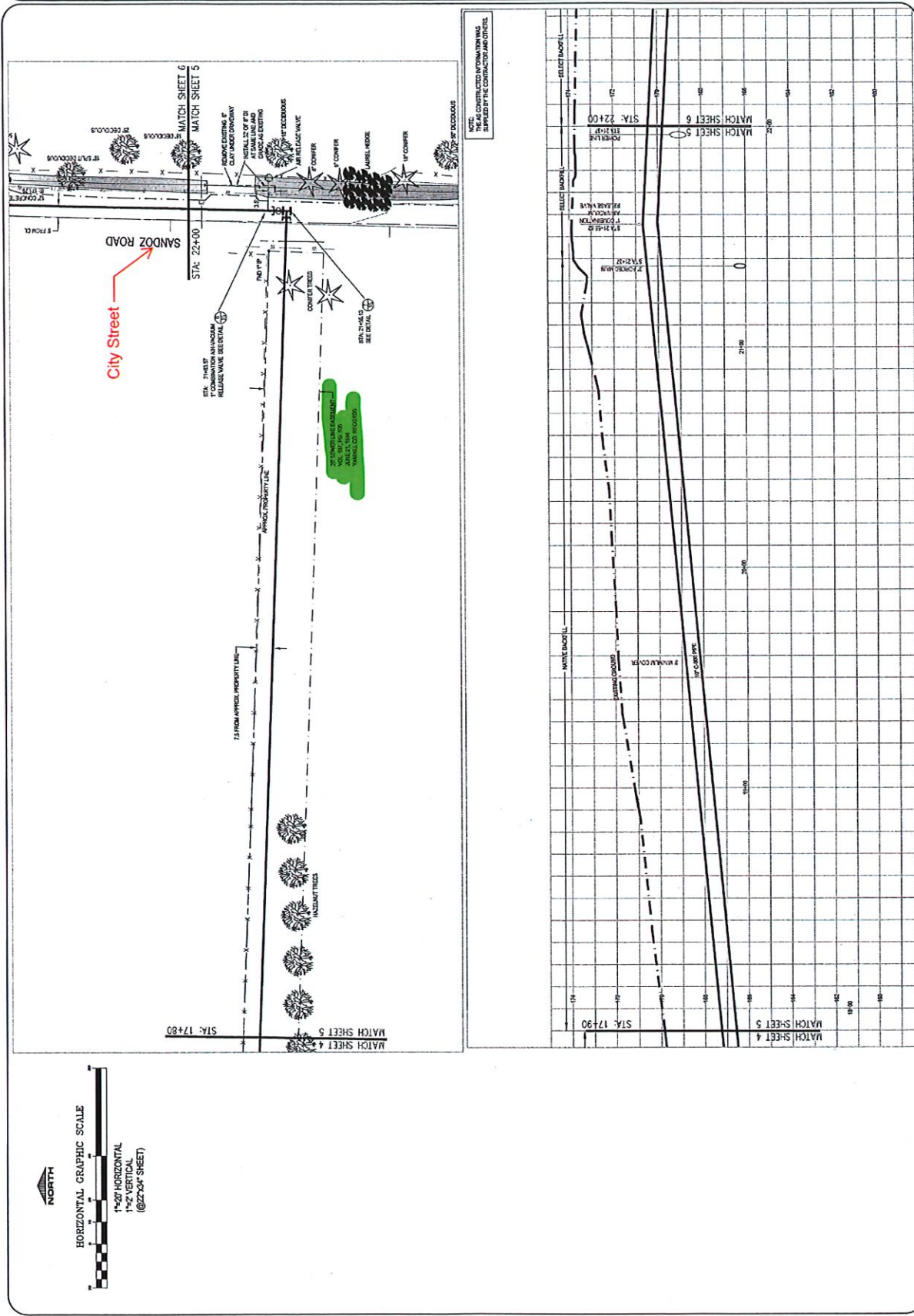
A2006020C

DESIGNED: 12/2006 DRAWN: 12/2006 CHECKED: 12/2006 DATE: 12/2006	CRANE & MERSETH Engineering/Surveying 4155 32 LANE RD. SUITE D BURLINGTON, ONTARIO N7R 2E2 TEL (505) 664-3035 FAX (505) 664-3035	FOR SIGNATURE & SEAL REFER TO ORIGINAL DRAWINGS DATED 12/2006	CITY OF NEWBERG REUSE PIPELINE PLAN AND PROFILE STATION 12+40 TO 17+90	SHEET NO. 4 OF 17 PROJECT NO. 103-010
--	---	---	---	--





PREPARED BY: 12/2006 DATE: 12/2006 DRAWN BY: 12/2006 DATE: 12/2006 CHECKED BY: 12/2006 DATE: 12/2006 AS-CONSTRUCTED 11/2008	CRANE & MERSETH Engineering/Surveying 4042 22 LANE NW, SUITE D KILMERE, GEORGIA 30143 TEL: (404) 644-3055 FAX: (404) 644-3055	FOR SIGNATURE & SEAL REFER TO ORIGINAL DRAWINGS DATED 12/2006	CITY OF NEWBERG REUSE PIPELINE PLAN AND PROFILE STATION 17+80 TO 21+55.13	SHEET NO. 5 OF 17 PROJECT NO. 103-010
--	--	---	--	--



A2006-020E





"X" PERMIT SPECIAL PROVISIONS  
FOR  
UTILITIES WITH A COMPENSABLE INTEREST OR A PRIOR RIGHT  
EASEMENT HOLDING

1. The Oregon Transportation Commission acknowledges that the City of Newberg potable water and reuse water facilities covered by this X Permit originally occupied Applicant's private easement.
2. The Oregon Transportation Commission agrees to reimburse the Applicant the costs Applicant incurs in removing or relocating the facilities detailed in this X Permit in the event such removal or relocation is required at any future time by the Oregon Transportation Commission.
3. Oregon Administrative Rule 734-055-0017 shall not apply to this X Permit.
4. Oregon Administrative Rule 734-055-0020(2) and (3) shall not apply to this X Permit.
5. Oregon Administrative Rule 734-055-0025(1) shall not apply to this X Permit. The applicant shall, however, be responsible and liable for all damage or injury to any person or property resulting from the applicant's negligence in connection with the physical location, installation, construction, maintenance, operation or use of the applicant's facility or operations for which applicant has been granted this X Permit. The applicant shall indemnify and hold harmless the State of Oregon, the Oregon Transportation Commission, and the Oregon Department of Transportation against any and all damages, claims, demands, actions, causes of action, costs and expenses of whatsoever nature which the State of Oregon, the Oregon Transportation Commission, or the Oregon Department of Transportation may sustain by reasons of the negligent acts, conduct, or operations of applicant, applicant's agents or applicant's employees in connection with the physical location, installation, construction, maintenance, repair, operation or use of the applicant's facility.
6. Oregon Administrative Rule 734-055-0025(2) shall not apply to this X Permit.
7. Oregon Administrative Rule 734-055-0025(3) shall not apply to this X Permit, however, the Department of Transportation of the State of Oregon, the Chief Engineer, and Department of Transportation employees shall not be responsible or liable for injury or damage that may occur to the facilities detailed in this X Permit resulting from motorist or road user operations.
8. Oregon Administrative Rule 734-055-0045(1) shall not apply to this X Permit.
9. Oregon Administrative Rule 734-055-0045(4) shall apply to this X Permit, however, the applicant shall not pay the costs of removal or relocation of the applicant's facilities covered by this X Permit. Such costs of removal or relocation shall instead be the responsibility of the Oregon Transportation Commission.
10. The rights and privileges granted to the applicant pursuant to this X Permit shall not be changed or

abrogated pursuant to Oregon Administrative Rule 734-055-0060(5) without compensating the applicant in accordance with the takings provisions of the United States Constitution, Amendment V and the Oregon Constitution, Article I, Section 18.

11. Oregon Administrative Rule 734-055-0025(9) shall apply to this X Permit, however, the Applicant shall not pay the costs of the inspection set forth in Oregon Administrative Rule 734-055-0025(9).

12. In the event the Oregon Transportation Commission requires the Applicant's removal or relocation of the facilities described in this X Permit, the Oregon Transportation Commission shall provide written notice to the Applicant one hundred and eighty (180) days before such removal or relocation must be accomplished.

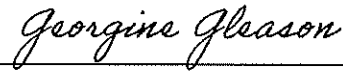


2/3/2023

---

Applicant Name: Kaaren Hofmann, City Engineer

Date:



2/3/2023

---

ODOT Representative: Georgine Gleason, State Right of Way Manager

Date:



## BARNER Steve

---

**From:** WALKER Andrew J  
**Sent:** Tuesday, March 7, 2023 12:03 PM  
**To:** EARL Robert; BARNER Steve  
**Subject:** RE: K19909 Newberg-Dundee Phase 2A: ODOT X-Permit Special Provisions and Application

Sounds good. Thanks Robert.

Very Respectfully,

**Andrew Walker, PE**

**Resident Engineer - Consultant Projects | ODOT Region 2, Area 3**

455 Airport Rd SE | Salem, Oregon 97301

Cell: (503) 949-5301

[Andrew.J.Walker@odot.oregon.gov](mailto:Andrew.J.Walker@odot.oregon.gov)

---

**From:** EARL Robert <Robert.Earl@odot.oregon.gov>  
**Sent:** Tuesday, March 7, 2023 11:27 AM  
**To:** BARNER Steve <Steve.BARNER@odot.oregon.gov>  
**Cc:** WALKER Andrew J <Andrew.J.WALKER@odot.oregon.gov>  
**Subject:** RE: K19909 Newberg-Dundee Phase 2A: ODOT X-Permit Special Provisions and Application

Andrew and Steve,

I told Steve not to do anything with this until I found out more information, I never thought we would have to issue a permit for this through district but now that I have more information.

Steve will issue the permit with the signed provisions from the City and ODOT. Then just keep for your records.

Thanks  
Robert

---

**From:** BARNER Steve <[Steve.BARNER@odot.oregon.gov](mailto:Steve.BARNER@odot.oregon.gov)>  
**Sent:** Tuesday, March 7, 2023 11:10 AM  
**To:** EARL Robert <[Robert.Earl@odot.oregon.gov](mailto:Robert.Earl@odot.oregon.gov)>  
**Subject:** FW: K19909 Newberg-Dundee Phase 2A: ODOT X-Permit Special Provisions and Application

This is what Andrew said.

---

**From:** WALKER Andrew J <[Andrew.J.WALKER@odot.oregon.gov](mailto:Andrew.J.WALKER@odot.oregon.gov)>  
**Sent:** Sunday, March 5, 2023 3:39 PM  
**To:** BARNER Steve <[Steve.BARNER@odot.oregon.gov](mailto:Steve.BARNER@odot.oregon.gov)>; MARTINEZ Felix C <[Felix.C.MARTINEZ@odot.oregon.gov](mailto:Felix.C.MARTINEZ@odot.oregon.gov)>  
**Subject:** RE: K19909 Newberg-Dundee Phase 2A: ODOT X-Permit Special Provisions and Application

I will put it in the contracts and agreement folder for the project, but I don't know where it goes for Utilities.

Very Respectfully,

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Hi Nicole,

We are submitting the attached documents on behalf of the City of Newberg regarding their request for ODOT X-Permit associated with the City water line relocations. The water relocations are being completed and included in the contract for the Newberg-Dundee Bypass Phase 2a project. Initial contacts with the District 3 Permit office suggested that since this is part of the Bypass contract, a Miscellaneous Permit was not needed on an ODOT project. However, the City estimates they should still be granted an X-Permit to protect them from paying for future relocations. So, we are unsure how the process moves forward and as such we are also copying both Andrew and Steve.

Documents are as follows:

- 1) "X" Permit Special Provisions signed by Applicant (City). Our understanding is that once you have reviewed and approved the form, you will forward it to District 3
- 2) X-Permit Application Form signed by Applicant (City). We have included pertinent Mile Point information to better describe the facilities in question.
- 3) A Plan showing the existing and proposed water lines being impacted by the Bypass project and where the water lines are to be relocated to
- 4) As-built plans showing City facilities either in easement or on City street (Sandoz Rd)

Please let us know if you have any questions or need further information regarding this application.

Thank you.

**Fulgence Bugingo, PE**

SENIOR ENGINEER

o: +1.503.225.9010

d: +1.503.546.0304

m: +1.503.560.5979



[consoreng.com](http://consoreng.com)

*The content of this email is confidential and intended for the recipient specified in message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.*

---

**From:** Utility and Rail Program <[UtilityandRailProgra@odot.oregon.gov](mailto:UtilityandRailProgra@odot.oregon.gov)>

**Sent:** Tuesday, January 31, 2023, 5:05 PM

**To:** Fulgence Bugingo <[Fulgence.Bugingo@consoreng.com](mailto:Fulgence.Bugingo@consoreng.com)>; Utility and Rail Program <[UtilityandRailProgra@odot.oregon.gov](mailto:UtilityandRailProgra@odot.oregon.gov)>

**Cc:** HOWE Heather C <[Heather.C.HOWE@odot.oregon.gov](mailto:Heather.C.HOWE@odot.oregon.gov)>; Dan Ebbighausen <[Dan.Ebbighausen@consoreng.com](mailto:Dan.Ebbighausen@consoreng.com)>

**Subject:** RE: K19909 Newberg-Dundee Phase 2A: X-Permit Special Provisions

Hi Fulgence,

I would go to the following website: [Oregon Department of Transportation : Utility Forms : Right of Way : State of Oregon](#)

And look at this information for X-permits as this is the most up-to-date.

Hi Nicole,

On the same project...The City of Newberg is preparing to submit the application for an X-Permit for their water and reuse water lines on the west side of Hwy 219, south of the current OR18: Newberg – Dundee Bypass. See attached graphic.

I came across the attached X\_permit\_provisions document that we used over a decade ago. Is this the right form to use or there is a more current one?

Thank you.

**Fulgence Bugingo, PE**

SENIOR ENGINEER

o: +1.503.225.9010

d: +1.503.546.0304

m: +1.503.560.5979



[consoreng.com](http://consoreng.com)

*The content of this email is confidential and intended for the recipient specified in message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.*

---