



Ozark Special Road District
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RIGHT-OF-WAY UTILITY POLICY

Effective November 18th, 2025

PREAMBLE

This policy shall ensure that Ozark Special Road District (OSRD) reserves the right to perform necessary maintenance in their right-of-way and that contractors will be required to submit adequate as-built documents to provide an accurate record of all structures and utilities located in OSRD's right-of-way. OSRD requires that all utilities located in their right-of-way be clearly identifiable, and any utilities damaged due to regulatory maintenance on the right-of-way without being clearly marked or identified is not the responsibility of OSRD. This policy provides assurances that OSRD will be indemnified of responsibility for damage to utilities located in the right-of-way without clear identification, sufficient ground cover, and complete utility maps submitted to OSRD.

No provision of this policy shall apply to any circumstance in which such application shall be unlawful under valid superseding federal or state law and furthermore, if any section, subsection, sentence, clause, phrase, or portion of this policy is now or in the future superseded or preempted by state or federal law or found by a court of competent jurisdiction to be unauthorized, such provision shall be automatically interpreted and applied as required by valid law.

This Preamble shall assist in the interpretation of OSRD's Right-Of-Way Utility Policy should there be any questions concerning its meaning.

PERMITS

The following permits have been established to better aid OSRD in managing the right-of-way.

1. Right-Of-Way & Road Cut/Bore Permit. No person, public utility, or right-of-way user, shall perform any work in OSRD right-of-way without first obtaining a Right-of-Way & Road Cut/Bore Permit from OSRD. This application provides the necessary information, fees, bonding, and insurance for the applicant to conduct work within OSRD right-of-way.
 - a. Any work to be performed in OSRD right-of-way is required to have an approved right-of-way & road cut/bore permit from OSRD which includes a \$120 application fee and a performance bond with OSRD.

OSRD RIGHT-OF-WAY CONTINUED MAINTENANCE CONDITIONS

1. OSRD has the authority to perform regulatory maintenance on their right-of-way including but not limited to mowing, weed eating, seeding, etc. and cannot be held responsible for damages to utilities within their right-of-way under the following conditions:
 - a. Upon completion of right-of-way work involving the installation of new facilities, the utility provider shall supply OSRD with copies of as-builts or other detailed maps showing the exact location of the facilities installed in the right-of-way within thirty (30) days after installation of new facilities. As a condition of continued use of the right-of-way, all utility providers shall, on an annual basis, provide OSRD with as-builts or other detailed maps showing the location of the provider's facilities (including all previously placed utilities).
 - i. Failure to provide as-builts or maps indemnifies OSRD from liability for any damage incurred to facilities located within OSRD's right of way during construction or regularly performed maintenance.
 - b. All above-ground facilities must be clearly marked with the appropriate identifiers. Facilities not appropriately marked that become damaged due to maintenance or construction activities are not the responsibility of OSRD.
 - c. Underground utilities must maintain minimum depth of 36". Utilities that do not meet the minimum depth and are damaged or disturbed because of maintenance or construction activities are not the responsibility of OSRD.
2. When OSRD performs maintenance or construction activities in their right-of-way, and utilities have been clearly located, OSRD will make every effort to notify the affected utility as soon as possible. The affected utility will be notified no later than 72 hours prior to the start of construction or maintenance. It is the responsibility of the utility provider to respond to OSRD and relocate the facilities in a timely manner.

Barbara Hover
President

Jerry Countryman
Vice-President

Dwight McNeil
Secretary