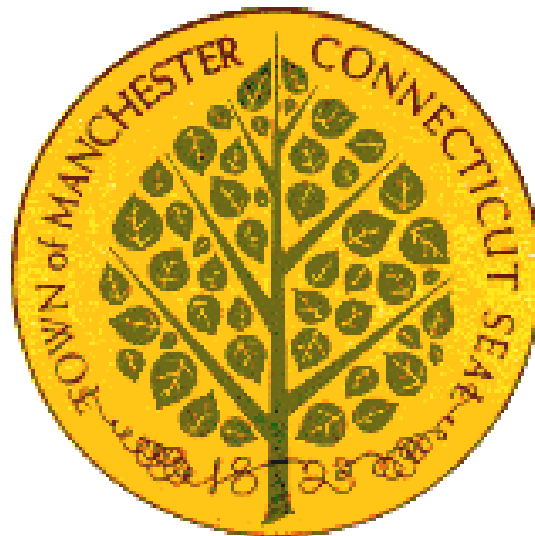


Town of Manchester, Connecticut

**REGULATIONS GOVERNING
RIGHT-OF-WAY PERMITS**



Prepared By:

Town of Manchester
Public Works Department
Engineering Division

Effective Date: August 1, 2003

**Town of Manchester Department of Public Works
-Regulations Governing Right-of-Way Permits-**

TABLE OF CONTENTS

<u>1.0</u>	<u>GENERAL</u>	
1.01	PURPOSE OF PERMITS.....	2
1.02	LEGAL REQUIREMENTS.....	2
1.03	DEFINITIONS.....	3
1.04	TYPES OF OPERATIONS REQUIRING PERMITS.....	4
1.05	FEDERAL, STATE AND LOCAL AGENCIES.....	5
<u>2.0</u>	<u>RIGHT-OF-WAY PERMIT APPLICATION POLICIES & PROCEDURES</u>	
2.01	APPLICATION FOR RIGHT-OF-WAY PERMIT.....	6
2.02	PLANS AND SPECIFICATIONS.....	6
2.03	BONDING.....	6
2.04	INSURANCE REQUIREMENTS.....	7
2.05	FEEES AND SURCHARGES.....	9
	APPLICATION FEE.....	9
	PERMANENT REPAIR PAYMENTS.....	10
	WORK WITHIN RECENTLY RESURFACED ROADWAYS.....	10
	EXCAVATION DURING WINTER MONTHS.....	10
	WAIVER OF FEES.....	11
2.06	ISSUANCE OF PERMITS.....	11
2.07	URGENT WORK.....	12
2.08	EMERGENCY ACTION.....	12
2.09	DURATION OF PERMIT.....	12
2.10	PROMPT COMPLETION OF WORK.....	12
2.11	REVOKING A PERMIT.....	13
2.12	DISPLAYING A PERMIT.....	13
2.13	VIOLATIONS.....	13
2.14	FAILURE TO OBTAIN A PERMIT.....	13
<u>3.0</u>	<u>RULES AND REGULATIONS</u>	
3.01	TOWN TO BE FREE OF CLAIMS.....	14
3.02	JURISDICTION OF TOWN HIGHWAYS.....	14
3.03	RESPONSIBILITY FOR RESTORATION OF WORK AREAS.....	14
3.04	QUALITY OF CONSTRUCTION AND REPAIR WORK.....	15
3.05	TREE REMOVAL.....	15
3.06	INSPECTION CONTROL AND PROCEDURES.....	16
3.07	PRECONSTRUCTION MEETING.....	18
3.08	SHOP DRAWINGS/MATERIAL CERTIFICATIONS.....	18
3.09	COMPLIANCE TESTING.....	19
3.10	TOWNS RIGHT TO STOP OR SUSPEND WORK.....	19
3.11	CLEANUP.....	19
3.12	WARRANTY OF WORK.....	20
3.13	FINAL INSPECTION.....	20
3.14	SAFETY OF WORK AREA.....	20
3.15	PUBLIC CONVENIENCE.....	21
3.16	MAINTENANCE AND PROTECTION OF TRAFFIC.....	21
3.17	PROTECTION OF EXISTING FACILITIES.....	23
3.18	COORDINATION WITH UTILITIES.....	24
3.19	NOISE, DUST AND DEBRIS.....	24
3.20	BLASTING.....	25
3.21	JACKING AND BORING.....	25
3.22	SHEETING AND PLACING.....	25
3.23	SLIDES AND CAVE-INS.....	26
3.24	LOCATION OF POLES AND GUYS.....	26

Town of Manchester Department of Public Works
-Regulations Governing Right-of-Way Permits-

1.0 GENERAL

This document contains the regulations governing the issuance of and compliance with “Right-of-Way” permits issued by the Town of Manchester Department of Public Works for any construction activity within the public right-of-way.

1.01 PURPOSE OF PERMITS

Public rights-of-way are established and maintained for the purpose of providing a means of safe and unrestricted travel of persons and vehicles. The purpose of permitting is the regulation of the use of public rights-of-way in the interest of public safety and convenience, and the operation and protection of public works infrastructure. Excavation and restoration standards are required to preserve the integrity, operational safety and function of the public right-of-way.

1.02 LEGAL REQUIREMENTS

The following constitute the Town ordinances and State statutes that apply to this document:

Town of Manchester Code of Ordinances, **Sec. 11-3, Director of Public Works; powers and duties.** The Director of Public Works shall supervise the granting of all permits to excavate or disturb any highway or other public property or to make any special use thereof and shall exercise such supervision and control over all public utilities in Town as is accorded by law to the Town.

Town of Manchester Code of Ordinances, **Sec. 14-1, Regulation governing street work is required.** The Board of Directors shall, from time to time, adopt such regulations as it deems fitting, necessary or proper to control the issuance of permits for street work and the work to be done under said permit. These regulations may be amended from time to time by the Board of Directors upon recommendation of the Director of Public Works. (Code 1978, § 15-1)

Town of Manchester Code of Ordinances, **Sec. 14-2, Manual for street work.** The Director of Public Works, with the express approval of the Town Planning and Zoning Commission, shall compile, and amend, a manual listing of all types of work to be performed in, on, over or under any of the streets or highways in the town by anyone other than the town for which a permit is required by the ordinances of the town or the statutes of the state. This manual shall include the regulations required by Section 14-1 and shall be filed with the Town Clerk. (Code 1978, § 15-2)

Town of Manchester Department of Public Works
-Regulations Governing Right-of-Way Permits-

State of Connecticut General Statutes, **Sec. 16-229, Excavation in highway.** Any public service company incorporated under the provisions of the statutes or by special act for the purpose of transmitting or distributing gas, water or electricity or for telephone purposes, desiring to open or make any excavation in a portion of any public highway for the carrying out of any purpose for which it may be organized other than the placing or replacing of a pole or of a curb box, shall, if required by the authority having jurisdiction over the maintenance of such highway, make application to such authority, which may, in writing, grant a permit for such opening or excavation upon such terms and conditions as to the manner in which such work shall be carried on as may be reasonable.

Regulations 2.03 and 2.05.02 do not apply to public service companies which are otherwise regulated or exempted by law from the application of these sections of the regulations.

1.03 DEFINITIONS

The following words and phrases, when used in this document, shall have the meanings respectively ascribed to them:

Call Before You Dig shall mean the "Underground Protection of Facilities Act," commonly known as the Call Before You Dig law, found in the Connecticut General Statutes, Section 16-349. Any excavation undertaken or authorized by this document shall comply with all requirements of this law. The excavator is solely responsible to notify all possible utilities with underground facilities at least three (3) full business days prior to the start of any excavation, trenching, or boring work.

Director shall mean the Town of Manchester Director of Public Works or his duly authorized designee.

Emergency shall mean any event which may threaten public health or safety, including, but not limited to, damaged or leaking water or gas conduit systems, damaged, plugged, or leaking sewer or storm drain conduit systems, damaged underground electrical and communications facilities, or downed overhead pole structures.

Excavate shall mean to dig into or in any way remove or physically disturb or penetrate any part of a Right of Way.

Facility or Facilities shall mean any tangible asset in the Right of Way required to provide Utility Service.

Newly constructed, reconstructed or rehabilitated streets shall mean any street that has been newly constructed, reconstructed or rehabilitated within the past

Town of Manchester Department of Public Works
-Regulations Governing Right-of-Way Permits-

five (5) years.

Permittee shall mean a person who has obtained a permit as required by this document.

Person shall mean any natural or corporate Person, business association or other business entity including, but not limited to, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity.

Pole placement shall mean an excavation associated solely with a single placement or replacement of a utility pole.

Right of Way shall mean the area on, below, or above a public roadway, highway, street, cartway, bicycle lane and public sidewalk in which the Town has an interest, including other dedicated Right of Ways for travel purposes and utility easements of the Town and any dedicated-but-unaccepted street or way.

Substructure shall mean any pipe, conduit, duct, tunnel, manhole, vault, buried cable, or wire, utility system appurtenance, or any other similar structures located below the surface of any public place.

Town shall mean Town of Manchester, Connecticut.

Utility shall mean a public utility as defined in the Connecticut General Statutes, as it may be hereinafter amended and shall specifically include the non-regulated activities of such a utility.

1.04 TYPES OF OPERATIONS REQUIRING PERMITS

The following types of operations within the limits of existing or proposed Town right-of-way require a written application for a "Right-of-Way" permit issued by the Public Works Department before any work can be performed:

- To construct, repair, install and maintain sanitary sewers, storm sewers, drains, water mains, gas mains, telecommunications and electrical conduits and service connections thereto, driveways, pavement extensions, manholes, inlets, catch basins, fire hydrants, sidewalks, curbs, steps, retaining walls or fences.
- The temporary storage of equipment or construction materials.
- To erect and maintain poles, wires, guys cables and other overhead structures by persons other than public service companies regulated or exempted by law.
- Any other operations which may cause abnormal wear to or deface or damage existing structures, pavement, curbs or sidewalks.

**Town of Manchester Department of Public Works
-Regulations Governing Right-of-Way Permits-**

In addition, the following work performed on private property may require a written application for a “Right of Way” permit if:

- The work involves the traversing or parking of heavy equipment on or across sidewalks, curbs or grass shelves.
- The work is performed along the frontage of a property.
- Any other use of the Town’s “Right of Way” beyond its intended use.

1.05 FEDERAL, STATE AND LOCAL AGENCIES

The issuance of a “Right-of-Way” permit to an applicant does not relieve the applicant in any way from complying with the rules, regulations, laws and acts of other federal, state or local agencies or departments.

Work within the State of Connecticut highway line may require a “Right-of-Way” permit for work beyond the edge of the roadway since sidewalks along State-owned routes are maintained by the Town of Manchester.

Town of Manchester Department of Public Works
-Regulations Governing Right-of-Way Permits-

2.0 "RIGHT-OF-WAY" PERMIT APPLICATION POLICIES & PROCEDURES

2.01 APPLICATION FOR "RIGHT-OF-WAY" PERMIT

Applications for "Right-of-Way" permit must be filed with the Town of Manchester Engineering Division prior to the proposed work. Standard application forms may be secured from the Engineering Division or the Town's website. Each application shall be completely filled in, signed and mailed or delivered to : Town of Manchester Engineering Division, 494 Main St., P.O. Box 191, Manchester, CT 06045-0191. The applicant shall provide an explanation of the proposed work on the application and a dimensioned sketch or diagram either in the space provided or on a separate sheet attached to the application. The sketch shall show the location of the work to be done in relation to the outstanding features of the road such as property lines, intersections, pavement lines, sidewalks, trees, drainage structures and utility poles and shall also show the nature and extent of the work proposed. The completed application form shall disclose the methods and materials proposed to be used.

2.02 PLANS AND SPECIFICATIONS

When required by the Director of Public Works, a complete set of plans and specifications detailing the Work shall be provided to the Town for review before a permit can be issued.

Utility companies are required to obtain approval of their plans through the "Utility Line Assignment Request" procedure. See Section 2.01.02 of the *Town of Manchester Public Improvement Standards* for details.

Permittees proposing new or modified driveway openings as part of their work are required to obtain prior approval through the "Application for Curb Cut" procedure. See Section 2.01.03 of the *Town of Manchester Public Improvement Standards* for details.

2.03 BONDING

Prior to issuance of the permit, the permittee must deposit with the Town a Public Improvements Bond in an amount determined by the Director of Public Works. The amount shall be established separately for each permit and will be based upon the amount of work shown on the approved plan or sketch and Town of Manchester standard unit prices (See Appendix G of the *Town of Manchester Public Improvement Standards*). The amount shall be sufficient to cover the Town's costs should the permittee default on any of his/her responsibilities, including the non-payment of any Town departments for services (i.e. police protection), but in no case shall be less than \$10,000.00.

**Town of Manchester Department of Public Works
-Regulations Governing Right-of-Way Permits-**

Acceptable forms of bond include individual surety bond, blanket surety bond or cash. Letters of credit are not an acceptable form of bond.

In the event that the Town determines that the outstanding amount on any such Public Improvements Bond is insufficient to fund the completion of any outstanding items of work, it may require the permittee to provide additional security sufficient to fund completion of the work.

If the Town at any time determines that any security which has been provided is insufficient, or if the permittee fails to provide additional sufficient security, or if the permittee fails to complete to the Town's satisfaction any necessary items of work not adequately covered by such security, the Town may withhold the issuance of any certificates of occupancy or of any permits or may seek any other legal remedies to enforce the completion of such.

Bonds shall be released to the permittee upon final acceptance of the work.

2.04 INSURANCE REQUIREMENTS

The permittee shall provide, pay for, and maintain in full force and effect the insurance outlined here for coverages at not less than the prescribed minimum limits of liability. Such coverage is to remain in force during the life of the permit and for such additional time as may be required, and will cover the permittee's activities, those of any and all subcontractors, or anyone directly or indirectly employed by any of them, or by anyone for whose acts any of them may be liable.

Certificates of Insurance: The permittee will give the owner a certificate of insurance completed by a duly authorized representative of their insurer certifying that at least the minimum coverages required here are in effect and specifying that the liability coverages are written on an occurrence form and that the coverages will not be canceled, non-renewed, or materially changed by endorsement or through issuance of other policy(ies) of insurance without 60 days advance written notice to Engineering Division. Failure of the owner to demand such certificate or other evidence of full compliance with these insurance requirements or failure of the owner to identify a deficiency from evidence provided will not be construed as a waiver of the permittee's obligation to maintain such insurance. The original certificate of insurance form must be on file in the Town's Engineering Division.

Insurer Qualification: All insurance will be provided through companies authorized to do business in the state of Connecticut and considered acceptable by the Town.

Additional Insured: To the extent commercially available at no additional cost, the policy or policies providing insurance as required, with the exception of professional liability and workers' compensation, will defend and include the Town and its

Town of Manchester Department of Public Works
-Regulations Governing Right-of-Way Permits-

architects, directors, officers, representatives, agents, and employees as additional insureds on a primary basis for work performed under or incidental to this permit.

Retroactive Date and Extended Reporting Period: If any insurance required here is to be issued or renewed on a claims-made form as opposed to the occurrence form, the retroactive date for coverage will be no later than the commencement date of the permit and will state that in the event of cancellation or nonrenewal, the discovery period for insurance claims (tail coverage) will be at least 36 months.

Subcontractors' Insurance: The permittee will cause each subcontractor employed by permittee to purchase and maintain insurance of the types specified below. When requested by the Town, the permittee will furnish copies of certificates of insurance evidencing coverage for each subcontractor.

Waiver of Subrogation: The permittee will require all insurance policies in any way related to the work and secured and maintained by the permittee to include clauses stating each underwriter will waive all rights of recovery, under subrogation or otherwise, against owner, architect, and all tiers of Permittees or consultants engaged by them. The permittee will require of subcontractor, by appropriate written agreements, similar waivers each in favor of all parties enumerated in this section.

Hold Harmless: The permittee shall indemnify and hold harmless the Town and, if applicable, the Director of Public Works and their agents and employees from and against all claims, damages, losses and expenses, including attorney's fees of counsel selected by the owner, arising out of or resulting from the performance of the work and/or the supplying of materials, provided that any such claim, damage, loss or expense (a) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property including the loss of use resulting therefrom, and (b) is caused in whole or in part by any negligent act or omission of the Permittee/insured, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, regardless of whether or not they are caused in part by a party indemnified hereunder.

Insurance Limits and Coverage

To the extent applicable, the amounts and types of insurance will conform to the minimum terms, conditions and coverages of Insurance Services Office (ISO) policies, forms and endorsements.

If the permittee has self-insured retentions or deductibles under any of the following minimum required coverages, the permittee must identify on the certificate of insurance the nature and amount of such self-insured retentions or deductibles and provide satisfactory evidence of financial responsibility for such obligations. All self-insured retentions or deductibles will be the permittee's sole responsibility.

**Town of Manchester Department of Public Works
-Regulations Governing Right-of-Way Permits-**

Commercial General Liability: The permittee will maintain commercial general liability insurance covering all operations by or on behalf of the permittee on an occurrence basis against claims for personal injury (including bodily injury and death) and property damage (including loss of use).

Such insurance will have these minimum limits:

\$1,000,000 each occurrence
\$2,000,000 each occurrence if blasting is required
\$2,000,000 general aggregate with dedicated limits per project site
\$2,000,000 products and completed operations aggregate
\$1,000,000 personal and advertising injury

Should blasting be required, all necessary permits for the use of explosives shall be obtained from the Fire Marshal by the permittee.

Automobile Liability: The permittee will maintain business auto liability coverage for liability arising out of any auto, including owned, hired, and non-owned autos.

Minimum Limits: \$1,000,000 combined single limit each accident

Workers' Compensation: The permittee will maintain workers compensation and employers liability insurance.

Minimum Limits: Workers' Compensation: statutory limit
Employers Liability: \$1,000,000 bodily injury for each accident
 \$1,000,000 bodily injury by disease for each employee
 \$1,000,000 bodily injury disease aggregate

2.05 FEES AND SURCHARGES

Each permit may be assessed three (3) fees; an application charge, a permanent restoration charge, and a surcharge for work performed during winter months.

2.05.01 APPLICATION FEE

There will be a Twenty Dollar (\$20.00) application fee for each accepted "Right-of-Way" permit. This fee shall reimburse the Town for the direct cost of labor administering these regulations. Utility applicants in good standing shall be granted the option of being invoiced by the Town for this fee.

**Town of Manchester Department of Public Works
-Regulations Governing Right-of-Way Permits-**

2.05.02 PERMANENT REPAIR PAYMENTS

The Town will make all permanent repairs to road cuts and sidewalk. Upon completion of the permanent repairs by the Town, the permittee will be billed for the permanent repair payment. The unit prices shall be based on the most current Town contracts for such work plus a ten percent (10%) markup for administering the pavement repair contract.

This fee shall cover the Town's cost of permanently restoring the disturbed pavement and sidewalk areas and shall be based on the final measured size of each permitted street or sidewalk repair.

2.05.03 WORK WITHIN RECENTLY RESURFACED ROADWAYS

If the proposed work includes excavation of a roadway that has been resurfaced within the past five (5) years, then the estimated permanent repair quantity will be increased to account for the repair of the entire roadway width within the limits of the proposed work.

2.05.04 EXCAVATION DURING WINTER MONTHS

No person, company or utility shall be granted a Right-of-Way permit or excavate any street or sidewalk from the time of November 15th of each year to April 1st of the following year unless an emergency or special condition exists and permission is obtained in writing from the Director of Public Works.

Any person, company or utility wishing to obtain a Right-of-Way permit between these aforementioned dates shall first explain in writing to the Town the emergency situation or special condition that exists before a permit may be granted. If an emergency condition which could endanger life or property exists, excavation work shall not be delayed by this section; however, a written explanation shall be delivered to the Town as soon as possible and a right of way permit obtained for the opening made. A surcharge of twenty-five dollars (\$25.00) per square yard of pavement shall be added to the regular permanent pavement repair unit price for any permit issued between the aforementioned dates for an excavation that is not due to an emergency condition to account for the reduction of expected pavement life.

For the purpose of this section, an emergency shall be defined as one of the following: damaged or leaking water or gas conduit systems, damaged, plugged or leaking sewer or storm drain conduit systems, damaged underground electrical and communications facilities, or downed overhead pole structures; all remaining excavations will be considered non-emergency situations and may only be authorized upon written documentation of special circumstances.

**Town of Manchester Department of Public Works
-Regulations Governing Right-of-Way Permits-**

2.05.05 WAIVER OF FEES

The Director of Public Works may waive all permit fees to permittees performing work under contract to the Town.

To promote the use of tunneling, jacking, and boring technologies, permanent restoration fees may not be assessed to any excavation area achieved by these technologies which does not result in pavement damage.

No permanent restoration fee will be assessed to public utilities in good standing who are allowed to perform their own permanent restorations in conformance with the *Town of Manchester Public Improvement Standards*.

2.06 ISSUANCE OF PERMITS

Permittees should be aware that the Town of Manchester is in no way obligated to issue a permit for work within its right-of-way and only does so when it is in the best interest of its residents. Consideration is given to maintenance and any inconvenience the work may pose on the public when determining whether a permit should be issued. When it appears that the proposed work would cause substantial or needless damage to a road or create excessive disturbances to traffic or exceptionally dangerous conditions not commensurate with the benefits to the permittee, the request for permit will be denied. The permittee will be informed of such rejection in writing which will state the reasons for the rejection. The Director of Public Works, or his designee, may refuse to issue a permit to any person, company or utility when, in their opinion, work performed under a permit theretofore issued to the permittee has not been properly executed or when said permittee has failed to reimburse the Town for recoverable charges billed under the terms governing the previous permit.

A permit will only be issued when all of the following criteria are met:

- The application form is completed and signed;
- The work as shown has been approved by the Town;
- Town is in receipt of required bonds and insurance;
- Payment of \$20.00 permit fee made payable to "Town of Manchester";
- Payment of any outstanding fees due for Town services or violations;

The permit form must be signed by the Director of Public Works or his designee before it becomes valid. Approved permits will be issued by the Public Works Department two (2) working days after application for permit has been received in good order. The permittee is forbidden to commence work until the permit is valid and the permittee has notified the Town Inspector at least twenty-four (24) hours in advance of the exact date and hour he proposes to begin work.

**Town of Manchester Department of Public Works
-Regulations Governing Right-of-Way Permits-**

2.07 URGENT WORK

When traffic conditions, the safety or convenience of the traveling public or the public interest require that the excavation work be performed as emergency work, the Town shall have the full power to order, at the time the permit is granted, that a crew and adequate facilities be employed by the permittee beyond normal working hours, including up to twenty-four (24) hours a day, to the end that such excavation work may be completed as soon as possible.

2.08 EMERGENCY ACTION

Nothing in this document shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of trouble in conduit or pipe which may be a threat to life or property, or for making emergency repairs, provided that the person making such excavation shall apply to the Town for such a permit on the first working day after such work is commenced. Before any excavation work is started, the person or utility excavating must contact all utilities for on the spot locations.

2.09 DURATION OF PERMIT

Permits remain valid until the Town completes the permanent repairs (typically the following construction season). During that time, the permittee must maintain the bonds and insurance with the Town of Manchester.

Failure to start work within thirty (30) days from the issuance of the permit shall void the permit.

All work shall be completed in a manner satisfactory to the Director of Public Works before the assigned date shown on the permit. Permits can be extended up to a maximum of one year at the discretion of the Director of Public Works provided all bonding and insurance is current.

2.10 PROMPT COMPLETION OF WORK

After an excavation is commenced, the permittee shall carry out with diligence and expedition all excavation work covered by the permit and shall promptly complete such work and restore the street or sidewalk as specified in this document. The permittee shall perform the work so as not to obstruct, impede or create a safety hazard to public travel.

**Town of Manchester Department of Public Works
-Regulations Governing Right-of-Way Permits-**

All excavations shall be covered or backfilled at the end of each workday. Covered shall mean steel plated over the entire trench plus two feet (2') around the edges. The steel shall be of strength to hold vehicular traffic. Barriers must be installed if the excavation is to be plated.

2.11 REVOKING A PERMIT

Permits issued by the Town may be revoked at any time when work does not comply with regulations, laws or local ordinances or creates a nuisance. The permit is revocable upon written notification to the permittee.

2.12 DISPLAYING A PERMIT

A copy of the "Right-of-Way" permit shall be available at the job site at all times for inspection by local police, Public Works personnel and other interested persons. To be valid, the permit must show the effective and expiration dates and must be signed by the Director of Public Works or his designee.

2.13 VIOLATIONS

Any person violating the terms of any of the ordinances or statutes or regulations covering the issuance of permits and the work to be performed thereunder shall be fined one hundred dollars (\$ 100.00) in addition to all costs due to damages by each violation.

Any permittee or party who continues to violate any section these regulations and fails to correct violations in a timely manner shall receive no further permits and will be invoiced for permanent repairs until such time as the Town is satisfied that the permittee or party shall have corrected all violations in compliance with the terms of this document.

The Town reserves the right to notify a permittee's insurance and/or bond carrier of repeated violations.

2.14 FAILURE TO OBTAIN A PERMIT

Any person or utility found to be conducting any excavation activity within the public right-of-way without having first obtained the required permit(s) shall immediately cease all activity (exclusive of actions required to stabilize the area) and be required to obtain a permit before work may be restarted. A surcharge of one hundred dollars (\$100.00) shall be required in addition to all applicable permit fees.

Town of Manchester Department of Public Works
-Regulations Governing Right-of-Way Permits-

3.0 RULES AND REGULATIONS

3.01 TOWN TO BE FREE OF CLAIMS

The permittee must agree as a condition governing the issuance of a permit that the permittee will hold harmless the Town of Manchester, its agents and employees from any and all claims and actions whatsoever arising from the exercises of said permit.

3.02 JURISDICTION OF TOWN HIGHWAYS

The granting of a right-of-way permit does not diminish or waive the jurisdiction of the General Manager over Town rights of way. If at any time it becomes necessary in the opinion of the General Manager to remove or relocate any of the structures or fixtures installed under a right-of-way permit, said removal or relocation, upon notification of the General Manager or his authorized agent, shall be made immediately by the permittee at his/her expense.

3.03 RESPONSIBILITY FOR RESTORATION OF WORK AREAS

The permittee shall be responsible to replace all materials and repair all damage caused by his/her activities under the permit to as good a condition as existed prior to the start of work, except for permanent pavement and sidewalk repairs, which will be completed by the Town of Manchester and the cost thereto billed to the permittee in accordance with Section 2.05.02. Any repair or replacement work performed by the permittee shall be supervised by the Town's inspector.

The permittee shall be responsible to temporarily repair all excavations within pavement and sidewalk in conformance with the *Town of Manchester Public Improvement Standards*. Maintenance of the temporary repairs shall be the responsibility of the permittee until such time that the Town of Manchester performs permanent repair work, a minimum of eight (8) months to a maximum of eighteen (18) months following the temporary repair.

Temporary pavement repairs guaranteed by each permittee shall meet all of the following conditions in order to remain in conformance with this document:

- (1) The entire area shall be free from delamination of the approved surface material.
- (2) No distortion of one-half inch (1/2" or greater shall exist over more than five percent (5%) of the total surface area of the repair.
- (3) No cracks of one-quarter inch (1/4") or greater shall exist in the surface or edges of the repair totaling more than five percent (5%) of

**Town of Manchester Department of Public Works
-Regulations Governing Right-of-Way Permits-**

the repair perimeter.

- (4) The hot-mixed asphalt within the trench shall not be completely flushed and bleeding.

Non-conformance with any of the above conditions shall constitute a breach of maintenance responsibilities and subject the permittee to remedial actions as provided in this document.

Severe [over one inch (1")] distortion conditions shall necessitate that full repairs be completed within twenty-four (24) hours of notification by the Town.

If the permittee fails to respond within the required time period, the Town shall cause the necessary repairs to be accomplished, and shall keep an account of the expense thereof, and in such case the permittee shall be billed an amount equal to one hundred fifty percent (150%) of the whole of the expense incurred by the Town. Bills rendered in accordance with this section shall be due and payable by the permittee immediately upon receipt. The Town shall issue no further or new permits to the permittee until full payment of the billed costs have been received.

If for any reason, the Town has to perform repair work to an excavation after the permittee's guarantee period has started, that guarantee period shall start over again upon completion of the repairs.

3.04 QUALITY OF CONSTRUCTION AND REPAIR WORK

All materials, methods and operations used within the public right-of-way shall comply with the *Town of Manchester Public Improvement Standards*, latest edition.

3.05 TREE REMOVAL

Any tree within Town right-of-way to be cut, pruned or removed shall require posting in accordance with Sec. 23-58, 59 and 60 of the Connecticut General Statutes.

The Permittee will be required to go to the Town of Manchester Parks Department and make application to the Town Tree Warden for tree removals.

The cutting, pruning or removal of any tree or shrub within the limits of any public roads or grounds, except those along State right-of-way, require at least a fourteen (14) day notice to the Town Tree Warden.

**Town of Manchester Department of Public Works
-Regulations Governing Right-of-Way Permits-**

The Permittee is responsible for clearly marking the limits of any Town easement or property line adjacent to the removal by stake and flagging before posting of any trees can be made.

When any such posting exceeds over fifteen (15) trees in number, then the Permittee shall supply additional manpower required to perform the posting under the supervision of the Tree Warden or his designee.

The Permittee will be notified by the Town Tree Warden after the posting period if the removal can proceed.

3.06 INSPECTION CONTROL AND PROCEDURES

All materials and each part or detail of the work shall be subject at all times to inspection by the Engineer. The Engineer shall be allowed access to all parts of the work and shall be furnished with such information and assistance by the Permittee as the Engineer deems necessary to make a complete, detailed and timely inspection.

The Permittee shall always notify the Engineer of its intention to perform work on the Project, including notice of the particular work it intends to perform, at least 24 hours before the Permittee commences that work.

The Permittee shall be responsible for coordinating his/her Work with the Engineer at all times. In instances when it shall be necessary to utilize Department inspectors during other than normal Department working hours, the Permittee shall make payment to the Town of Manchester for such use. Normal working hours for the Department are from 7:30 a.m. to 4:00 p.m. daily, Monday through Friday, excluding holidays. Payment will be made in accordance with the following:

For each Department employee utilized by the Permittee, the Town shall receive the standard overtime rate paid to the employee by the Department.

In the event a Department employee is called out after the end of normal working hours, minimum payment to the Town by the Permittee for each Department employee utilized shall be at the standard overtime rate for a period no less than four (4) hours. Payment for overtime that is a continuation of the normal working day shall be at the standard overtime rate for the actual hours worked. There will be no charge for use of Department personnel during normal working hours for services provided by the Department.

In the performance of the Work, the Permittee shall abide by all orders, directions and requirements of the Engineer and shall perform all Work to the satisfaction of the Engineer and, at such time and places, by such methods and

Town of Manchester Department of Public Works
-Regulations Governing Right-of-Way Permits-

in such manner and sequence as he may require. The Engineer shall determine the amount, quality, acceptability and fitness of all parts of the Work, shall interpret the Specifications and modifications and shall decide all other questions in connection with the Work.

The Town shall issue all communications to the Permittee through the Engineer.

The Engineer will **not** be responsible for the Permittee's means, methods, techniques, sequences or procedures of construction, or the safety precautions and programs incident thereto; and he will **not** be responsible for the Permittee's failure to perform the Work in accordance with the Specifications.

The Engineer will **not** be responsible for the acts or omissions of the Permittee or any Subcontractors, or any of his or their agents, servants or employees, or any other persons at the site or otherwise performing any of the Work.

Authority and Duties of Inspectors

Inspectors employed by the Town shall be authorized to inspect all Work done and material furnished. Such inspection may extend to all or any part of the Work and to the preparation or manufacture of the materials to be used. In case of any dispute arising between the Permittee and the Inspector as to materials furnished or the manner of performing the Work, the Inspector shall have authority to reject material or suspend the Work until the question at issue can be referred to and decided by the Engineer. The Inspector shall **not** be authorized to revoke, alter, enlarge, relax or release any requirements of the approved plans and specifications, nor to approve or to accept any portion of the Work, nor issue instructions contrary to the approved plans and specifications. The Inspector shall in no case act as foreman or perform other duties for the Permittee, or interfere with the management of the Work by the latter. Any advice which the Inspector may give the Permittee shall in no circumstance be construed as binding the Town in any way nor releasing the Permittee from fulfillment of the terms of these Public Improvement Standards.

The Engineer and his representatives will at all times have safe access to the Work. The Permittee will provide proper facilities for such access and observation of the Work and also for any inspection or testing thereof by others.

If any Work is covered contrary to the request of the Engineer, it must, if requested by the Engineer, be uncovered for his observation and replaced at the Permittee's expense.

**Town of Manchester Department of Public Works
-Regulations Governing Right-of-Way Permits-**

3.07 PRECONSTRUCTION MEETING

A preconstruction meeting may be required with the Engineering Division prior to the start of any construction activity. A preconstruction meeting will not be scheduled until all plans are approved by the appropriate department or commission and filed. Representatives of the Permittee and any pertinent subcontractors shall attend. The Permittee shall bring to the meeting his proposed schedule of work along with a list of three phone numbers of persons to call in case of emergency.

3.08 SHOP DRAWINGS/MATERIAL CERTIFICATIONS

The Permittee shall obtain the Engineer's approval of the source of supply of each of the materials to be used within Town right-of-way prior to delivery of such materials to the project site.

Four (4) copies of shop drawings or material certifications shall be submitted to the Engineer for each type of material to be used. Data shown on the shop drawings shall be complete with respect to dimensions, design criteria, materials of construction, manufacturer's certifications and the like to enable the Engineer to review the information as required. Any deviations that the shop drawing or material certification has from the requirement of the Specifications shall be called to the attention of the Engineer. The Engineer will review the shop drawings for conformance to the specifications and return one (1) copy stamped as either "Approved", "Revise and Resubmit", or "Rejected". Approval shall be only for conformance with the design concept and compliance with the specifications. The Engineer's approval shall not relieve the Permittee from his responsibility for any other requirements of the Specifications nor shall any approval by the Engineer relieve the Permittee from responsibility for errors and omissions in the shop drawings. The Permittee will make any corrections required by the Engineer and will return the required number of corrected copies until approved. No work requiring an approved shop drawing or sample submission shall commence until the submission has been approved by the Engineer.

Should it become necessary to obtain materials from other sources than those originally indicated, the Permittee shall furnish a supplementary statement on material sources and samples, if required, to the Engineer not less than ten (10) days prior to using the material on the site.

The Permittee shall submit to the Engineer for approval all samples required by the Specifications or requested by the Engineer. All samples shall be checked by and stamped with the approval of the Permittee, identified clearly as to material, manufacturer, any pertinent catalog numbers and the use for which it is intended.

**Town of Manchester Department of Public Works
-Regulations Governing Right-of-Way Permits-**

3.09 COMPLIANCE TESTING

The Town may order a test (at its own initial expense) on any public improvement in order to determine if the work has been or is being completed in accordance with these Public Improvement Standards. If the tests reveal any material or workmanship to be in violation of these Standards, the Permittee shall pay the cost of the testing and all required subsequent testing necessary to verify the proper standards have been met.

3.10 TOWNS RIGHT TO STOP OR SUSPEND WORK

If the Work is defective, or the Permittee fails to supply sufficient skilled workmen or suitable materials or equipment, the Town may order the Permittee to stop the Work, or any portion thereof, until the cause for such order has been eliminated.

Should the Work be carried on late in the year, and in the opinion of the Engineer is in danger by reason of inclemency of weather, or could not be finished in time to prevent such danger, the Permittee shall cease operations upon order of the Engineer, and shall not resume them until ordered to do so by the Engineer, when the weather conditions are favorable. The Permittee shall, upon such orders, discontinue Work, remove all materials or appliances for or in use upon the work site, and place the streets in proper condition for use by the public during the time the Work is suspended as herein provided, without cost to the Town.

Any person or utility failing to comply with or violating any provision of this document or the rules shall be served by the public works authority with written notice stating the nature of the failure or violation and providing a reasonable time limit for the necessary corrective actions. Such person or utility shall, within the period of time stated in such notice, permanently cease or correct all failures or violations.

In order to ensure public safety, the public works authority shall have the right to verbally notify and require immediate corrective actions of any person or utility whose failure to comply with this document or the rules could cause a safety hazard.

Any person or utility who shall continue any failure or violation beyond the time limit required for compliance in any notice given pursuant to this document or the rules shall be guilty of a violation of this document.

3.11 CLEANUP

At the completion of work, the Permittee shall remove all materials, equipment, waste, rubbish and other debris resulting from the work from the premises. The

**Town of Manchester Department of Public Works
-Regulations Governing Right-of-Way Permits-**

site shall be clean and ready for occupancy by the Town. The Permittee shall restore to its original condition those portions of the site not designated for alteration by the approved plans.

3.12 WARRANTY OF WORK

The permittee shall, for a period of one (1) year thereafter, be fully liable for all defects in materials and workmanship relating to such replacement or realignment and shall promptly repair or replace the same upon notice of the Director and to the satisfaction thereof.

3.13 FINAL INSPECTION

Upon completion of the maintenance period, the Permittee shall request a final inspection, in writing, of all completed public improvements. Any outstanding punchlist items generated from the final inspection shall be immediately corrected to the satisfaction of the Engineer.

3.14 SAFETY OF WORK AREA

The Permittee shall comply with all requirements of the Occupational Safety and Health Act (OSHA), applicable laws, building and construction codes.

At all times, the Permittee shall protect his/her work from the motoring or walking public. It will be the Permittee's responsibility to supply and utilize flagmen or Town Police personnel, barricades, signs, drums, cones, etc. throughout the construction. Any sidewalk left excavated at the end of the work shift shall be cordoned off and properly signed to restrict pedestrian access.

The Permittee shall utilize OSHA approved safety caps on all pins or other protruding metal used for sidewalk forms.

The Permittee will be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the Work. He will take all necessary precautions for the safety of, and will provide the necessary protection to prevent damage, injury or loss to:

All employees on the Work and other persons who may be affected thereby.

All the Work and materials or equipment to be incorporated therein, whether in storage on or off the site, and

**Town of Manchester Department of Public Works
-Regulations Governing Right-of-Way Permits-**

Other property at the site or adjacent thereto, including but not limited to trees, shrubs, lawns, walks, pavements, roadways, structures and utilities not designated for removal, relocation or replacement in the course of construction.

The Permittee shall take all proper precautions to protect existing access to properties from injury or unnecessary interference. He shall provide proper means of access to any property where the existing access is cut off by the Permittee. The Permittee shall take all proper precautions to protect persons from injury or unnecessary inconvenience and leave an unobstructed way along the public and private places for travelers, vehicles, and for access to hydrants.

No materials or other obstruction shall be placed within fifteen (15) feet of any fire hydrant which, at all times, must be readily accessible to the Fire Department.

The Permittee shall provide safe access to the Work for the Inspector. If safe access is not provided, no inspection shall take place until such time safe access has been secured. The Permittee assumes the risk of removing and replacing at his sole expense any part of the Work not inspected for reasons of unsafe access.

3.15 PUBLIC CONVENIENCE

The Permittee shall conduct the work at all times in such a manner as to ensure the least possible obstruction to both vehicular and pedestrian traffic. All equipment and materials shall be placed or stored in such a way and in such locations as will not create a hazard to the general public.

The Permittee shall notify residents in writing at least 24 hours in advance of any work that will close or restrict access to their property. Work shall be coordinated such that no residential driveway access is closed for more than a 24 hour period and no commercial driveway access is closed for more than a 3-hour period.

3.16 MAINTENANCE AND PROTECTION OF TRAFFIC

The Permittee shall maintain and protect traffic in the project area at all times in accordance with the detail plates, the *Manual of Uniform Traffic Control Devices* and the *Town of Manchester Traffic Control Ordinance*.

The Permittee must maintain pedestrian and vehicular traffic to permit access to businesses, factories, residences and intersecting streets. It shall be the sole responsibility of the Permittee to warn the Town's Local Regulatory Agencies

**Town of Manchester Department of Public Works
-Regulations Governing Right-of-Way Permits-**

(including, but not limited to the Public Works Highway Division, Police and Fire Departments and Board of Education).

Depending upon the nature of the proposed work, the Engineer may require the Permittee to submit for review and approval his proposed traffic control plan. See Section 2.01.05 of the *Town of Manchester Public Improvement Standards* for more information.

No trenches will be allowed to remain open at times when work is not actively in progress.

The permittee shall in general maintain safe crossings for two (2) lanes of vehicle traffic where possible and safe crossings for pedestrians at intervals of not more than two hundred (200) feet. If any excavation is made across any public street, alley or sidewalk, adequate crossings shall be maintained for vehicles and for pedestrians. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, a passageway at least forty-eight inches (48") in width shall be maintained along such sidewalk line.

It shall be the duty of every permittee cutting or making an excavation in or upon any public place, to place and maintain barriers and warning devices necessary for safety of the general public. Traffic control near all excavations affecting vehicular, pedestrian and other traffic shall be subject to final review and approval of the Director. Barriers, warning signs, lights, etc., shall conform to the latest edition of *the Manual on Uniform Traffic Control Devices (MUTCD)*.

The permittee shall take appropriate to assure that during the performance of the excavation work, traffic conditions as near normal as possible shall be maintained at all times so as to minimize inconvenience to the occupants of the adjoining property and to the general public.

When traffic conditions permit, the Director, with the approval of the Legal Traffic Authority, may by written approval (or by verbal approval in the case of emergency), permit the closing of streets to all traffic for a period of time prescribed by him or her, if in his or her opinion it is necessary. The written approval of the Director may require that the permittee give notification to various public agencies and to the general public. In such cases, such written approval shall not be valid until such notice is given. In case of emergency work during non-business hours, the utility company having such emergency shall contact the Manchester Police Department before closing a street to traffic.

Warning signs shall be placed in accordance with the applicable section of the most current edition of the MUTCD in advance of the construction operation to alert traffic within a public street, and cones or other approved devices shall be placed to safely channel traffic, in accordance with the instructions of the

**Town of Manchester Department of Public Works
-Regulations Governing Right-of-Way Permits-**

Director, after his or her review of the proposed traffic control measures for the project.

The permittee shall hereby be informed that the Town has or may have a "school walk route map", and that the Director will require special police protection at locations where the permittee, by his or her work, interferes with these designated school walk routes or crossing locations. Copies of school walk route maps for various locations in the Town may be procured from the Director.

Construction activities (unless an emergency condition exists) shall not interfere with the normal flow of traffic on arterial streets of the Town. A list of arterial streets is included in the *Town of Manchester Public Improvement Standards*.

3.17 PROTECTION OF EXISTING FACILITIES

The Permittee shall make every effort to minimize damage to all access routes, and he shall be required to restore them to their original conditions.

All costs of the protection, removal and/or restoration to original condition of signs, walls, fences, structures, utility lines, poles, guy wires or anchors, and other improvements required for passage of the permittee's equipment or performance of Work shall be borne by the Permittee. The Permittee shall notify the proper authorities of the Town and all utilities of any intended modification or disruption to their property, prior to the start of construction, and shall cooperate with them in the scheduling and performance of his operations.

The Permittee shall be responsible for, and reimburse the Town and others for, any and all losses, damage or expense which the Town or those others may suffer, either directly or indirectly or through any claims of any person or party, for any trespass outside the spaces and rights of way provided by the Town to the Permittee, or any violation or disregard of the terms and conditions established for the use or occupancy of those rights or for negligence in the exercise of those rights.

The work performed shall be planned and carried out so that drainage systems of the highway are effective at all times. Any damage arising from the failure of the Permittee to properly keep culverts, ditches, inlets, catch basins or any other drainage device from becoming obstructed must be borne by the Permittee.

The Permittee's attention is called to the fact that there are underground traffic control facilities (loop detectors) at various intersections in the Town of Manchester. Should these facilities become damaged during the course of the

**Town of Manchester Department of Public Works
-Regulations Governing Right-of-Way Permits-**

Work, the Permittee will be responsible for replacement of the detectors at his expense. Splicing of the existing detectors will not be permitted.

The Permittee will take precautionary measures to protect all public and private trees or shrubs remaining within or adjacent to the Project area. This also includes protection of root systems that may become damaged due to the excavation activities near or adjacent to vegetation designated to remain.

The Permittee shall be fully responsible for compensation, repair, or replacement of any damaged tree or shrub because of neglect by the Permittee or any of his/her assigned Subcontractors.

The Permittee shall be responsible for the protection and replacement of all survey markers, streetline monuments, and private property markers.

The Permittee shall be required to retain their own licensed surveyor to establish the line and grades and to otherwise inform themselves of the demarcation between public lands and private property.

3.18 COORDINATION WITH UTILITIES

At least two full business days, but not more than thirty days before commencing excavation, the Permittee shall call 1-800-922-4455 (Call Before You Dig) to allow notification of utilities. The Permittee shall be responsible for coordinating his own work and that of his Subcontractors with any and all utilities in the work area.

The Permittee shall schedule his operations in such a manner as to minimize interference with the operation of the forces of utility companies or the Town in effecting the installation of new facilities as shown on the plans or relocation of their existing facilities.

The Permittee shall be responsible to support all utility poles in the vicinity of excavations necessary to perform the work. The Permittee must obtain all approvals required by the custodian of the utility pole and to coordinate all work.

3.19 NOISE, DUST AND DEBRIS

Each permittee shall conduct and carry out excavation work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. To the fullest extent practicable, the permittee shall act to reduce noise, dust, and unsightly debris in the performance of the excavation work. Excavation work, including the use of

**Town of Manchester Department of Public Works
-Regulations Governing Right-of-Way Permits-**

any tool, appliance, or equipment, shall be performed between the hours of 7:00 a.m. and 10:00 p.m. only, exclusive of emergency work. Excavation work shall not occur on Sundays, holidays or on major holiday weekends, unless expressly authorized by the Director or as a result of emergency. Time waiver requests may be submitted to the Director for work outside of this time period and will be subject to neighborhood concerns.

During the progress of the Work, the Permittee shall conduct his operations and maintain the area of his activities so as to minimize the creation and dispersion of dust. If the Engineer determines that it is necessary to use water or calcium chloride for more effective dust control, the Permittee shall furnish and spread the materials, as directed.

The Permittee shall conduct his operations to minimize the tracking of dirt and other material onto existing roadways. Anti-tracking aprons shall be installed and maintained at all sites. The Engineer may require the Permittee to sweep adjacent roadways if material from the site has tracked onto the roadway.

3.20 BLASTING

The Permittee shall secure all necessary permits from the Town Fire Marshall and other appropriate parties and observe all local and state ordinances relating to transportation, storage and handling of explosives. A pre-blast survey of the surrounding area is required and a copy of the report MUST be submitted to the Engineer prior to any blasting. When blasting is to take place near adjacent structures or services, the same shall be carefully protected against damage. The explosives must be of such number and size of charge and be so placed so as not to cause unduly large excavation or unnecessarily shatter rock adjacent to the excavation. All rock loosened or shattered in the sides of the excavation shall be completely removed by wedging or other approved means. Excavation or unnecessarily shatter rock adjacent to the excavation. All rock loosened or shattered in the sides of the excavation shall be completely removed by wedging or other approved means.

3.21 JACKING AND BORING

Pipes and conduits shall generally be placed by the open cut method. In individual cases where there is a deep installation and heavy traffic or other special circumstances, the Engineer may allow or even require that the installation shall be made by jacking or boring when such method is of definite benefit to the traveling public. No jetting or other use of water shall be allowed in connection with jacking or boring. The Permittee shall be responsible for careful investigation of the work area to determine the location of all existing utility, municipal and private owned pipe or conduit lines. The Permittee may

**Town of Manchester Department of Public Works
-Regulations Governing Right-of-Way Permits-**

be required to submit plan and profile showing all such lines and detailed plans showing method of operation.

3.22 SHEETING AND PLACING

Whenever it is necessary to prevent damage to a highway or structure in the highway because of cave-ins or sliding of the sides of trenches, the Permittee shall sheet and place the trenches in a manner satisfactory to the inspector. An inspector may direct that such sheeting and placing be left in place in order to protect the highway from damage due to settlement.

3.23 SLIDES AND CAVE-INS

If the pavement shoulder or sidewalk along the sides of the trench or excavation becomes undermined due to slides and cave-ins of the sides of the excavations, the Permittee or his contractor shall remove the pavement, sidewalk or other improvements over the cave-in and shall take immediate remedial measures to prevent further deterioration of the highway or its appurtenances. The Permittee shall temporarily replace the entire amount of the pavement or sidewalk destroyed by such slides and cave-ins. The Town Public Works Department will immediately bill the Permittee for permanent repairs due to slides and cave-ins. Whenever an excavation shall take place on any major or minor arterial street and shall include one-third (1/3) or more of the distance of the total width of the street, steel bridging of adequate strength may be required to maintain normal traffic flow shall be placed over the excavated trench; if said trench is to remain open overnight.

3.24 LOCATION OF POLES AND GUYS

Whenever existing pole lines, guys, braces or anchors are to be relocated or new poles, guys, braces or anchors set, the proposed location shall be designated by stakes placed at the site. The Town shall approve the location of all poles, guys, braces, or anchors.