

CITY OF FARIBAULT

RIGHT OF WAY REGULATIONS

SAFETY

1. Traffic shall be allowed to pass and to be protected at all times. If it is not possible to allow traffic to pass, a detour must be pre-approved by the City and called into Dispatch at the Law Enforcement Center. Notification must be in writing 3 working days prior to commencement.
2. Traffic control devices shall be in accordance to the latest revision of the MMUTCD “Field Manual”. When a trail or roadway/drive has been cut, appropriate signage must be kept in place and maintained until restoration is complete.
3. Excavations must be shored or sheeted, as required by O.S.H.A., when necessary to prevent undermining of roadways, trails, utilities, or for safety reasons. Stockpiling of excavated material shall not occur within the public-right-of-way without proper traffic control and shall be removed by the end of the same working day as the stockpile was placed.
4. Guys or stays shall not be attached to trees on right-of-way or private property nor obstruct roadways, sidewalks, trails, driveways, etc. without written permission.
5. Flaggers and/or warning lights at night shall be furnished by permittee whenever the work being done creates a hazard either to the traffic using roadway or the personnel engaged in the construction, or when directed to do so by the City.

OPERATIONS

1. Permit on Job – Approved permits or copies (including approved detour plans) shall be kept on the work site while it is in progress and in the custody of the individual in charge, and shall be exhibited upon request made by any City official.
2. Hours of Operation – All work, including maintenance and fueling of equipment, shall be carried out from 7 a.m. to 7 p.m.
3. Conditions of Permit - No person may excavate or obstruct the public right-of-way after the date specified in the permit, unless the person obtains a new permit or permit extension before the expiration of the original permit. The permit is valid only for the area of the public right-of-way specified in the permit; no permittee shall do any work outside the area specified in the permit, except as noted herein.
4. If the obstruction or excavation of the public right-of-way begins later or ends sooner than the dates specified in the permit, the permittee shall promptly notify the Public Works Department.
5. When possible, the permittee shall coordinate project work and installation of facilities in co-locations with other public right of way users
6. The permittee shall locate property lines abutting public right-of-ways and replace any destroyed property corners with the services of a Minnesota-licensed land surveyor.

7. Provisions and Specifications – These general provisions, specifications and the Standard Plates shall be considered as forming an integral part of each and every permit issued for operations within Faribault. Installation, placement, location, and relocation of equipment and facilities shall comply with all federal, state, and local laws. The work authorized by this permit shall be done at such time and in such manner as shall be consistent with the safety of the public and shall conform to all requirements and standards of the City. If at any time it shall be found by the City that the work is not being or has not been properly performed, the permittee, upon being notified by the City, shall immediately take the necessary steps, at his own expense, to place the work in condition to conform to said requirements or standards.
- a. Public right-of-way alignment and grade shall be maintained, unless otherwise authorized by the City;
 - b. Unless otherwise approved by the City, fiber facilities shall be buried in a proper conduit and at a depth of no less than three (3) feet deep and no more than four (4) feet; copper cable facilities below concrete or bituminous paved roadway surfaces shall be buried no less than three (3) feet deep and no more than four (4) feet deep, and all other copper cable facilities shall be buried no less than thirty (30) inches deep and no more than four (4) feet deep.
 - c. All underground facilities that cross streets or hard surfaced driveways shall be bored and installed in conduit when requested by the City. Natural gas lines do not need to be installed in conduit.
 - d. When utilizing trenchless installation methods to cross an area in which a City utility is located or when directed by the City, the permittee shall excavate an observation hole over the City utility to ensure that the City utility is not damaged.
 - e. If the project work involves open cut, the permittee shall install visual tracers at twelve (12) inches over buried facilities. If other construction methods are used, substitute locating methods may be used upon approval by the City.
 - f. During plowing or trenching of facilities, a warning tape shall be placed at a depth of twelve (12) inches above copper cables with over two hundred (200) pairs and all fiber facilities. A locating wire or conductive shield shall be installed above buried telecommunication facilities, except for di-electric cables.
 - g. Restoration of the street section disturbed by facilities will include returning the right-of-way to the same condition that existed before excavation. The right-of-way user is responsible for all of its work done in the public right-of-way, whether by employees, agents, or independent contractors. All levels of restoration include compaction of the materials in lifts placed in the excavation of the sub-grade and aggregate base, plus pavement replacement, in kind. Compacted backfill shall be brought to bottom of the gravel of the approved street section. Compaction shall be accomplished with hand, pneumatic or vibrating compactors as appropriate. Compaction testing may be required as determined by the City.
 - h. All facilities shall be located so as to not interfere with existing & potential future traffic signals and signs.
 - i. All above ground appurtenances shall be located no closer than ten (10) feet to City hydrants, waterline valves, manholes, lift stations or catch basins unless approved by the City, and shall not be installed in front of or within visual sight lines of any City signs, monuments or amenities for facilities or parks. Minimum offsets from sidewalks, driveways and trails shall be 2 feet unless approved by the City.

- j. Underground facilities shall not be installed between a hydrant and an auxiliary valve. Underground facilities shall not be installed within five (5) feet of hydrants, waterline valves, lift stations, manholes or catch basins where utility easements exist beyond the roadway surface area of the public right-of-way and space is available therein. In those areas in which no utility easement exists, placement of an underground facility shall be between the edge of pavement and no closer than three (3) feet to an existing City utility appurtenance, unless approved by the City.
- k. The location and installation of telecommunications facilities shall comply with the National Electric Safety Code, as incorporated by reference in Minnesota
8. Execution – The permittee shall use diligence in the execution of the work authorized under this permit in order not to endanger the public or unnecessarily obstruct travel along any road or right of way. Operations shall be so conducted as to permit safe and free travel over the roads and trailways at all times within the limits of the work herein prescribed. All safety measures for the free movement of traffic shall be provided by the permittee at their own cost. **The permittee shall notify adjacent property owners 48-hours prior to commencement of any project work that may disrupt the use of and access to the abutting property. Notification shall include at a minimum the following information:**
- **Description and purpose of work**
 - **Company listing with addresses and telephone numbers (Utility Name, Contractors, etc.)**
 - **Local contact name and telephone number**
 - **Tentative work schedule**
 - **Restoration process**
 - **Statement noting that work is for a private utility, not the City of Faribault**
9. Conformity to Laws – The installation shall be made in conformity with all applicable laws, regulations, and codes covering said installations. All installations shall be made in conformity with regulations of governmental agencies for the protection of the public.
- a. The applicant shall furnish a bond or financial guarantee in the amount to be determined by the City that is required to ensure adequate and timely completion of repair. This bond or financial guarantee shall remain in effect for 1 year subsequent to completion of street repair to protect the City from defects in material, workmanship or non-compliance with City standards or specifications.
- b. File with the City a liability insurance policy or certificate of such insurance issued by an insurance company authorized to do business in the State. All certificate(s) of insurance or self-insurance required under this section shall provide the following: (1) that an insurance policy has been issued to the applicant by an insurance company authorized to do business in the State of Minnesota, or a form of self insurance acceptable to the director; (2) verify that the applicant is insured against claims for personal injury, including death, as well as claims for property damage arising out of the (i) use and occupancy of the public right-of-way by the permittee, its officers, agents, employees and permittees, and (ii) placement and use of facilities and equipment in the public right-of-way by the permittee, its officers, agents, employees and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground facilities and collapse of property; (3) name the city as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all such coverages; (4) require that the director be notified thirty (30) days in advance of cancellation of the policy or material modification of a coverage term; (5) indicate comprehensive liability coverage, automobile liability coverage, workers compensation and umbrella coverage established by the Director in amounts sufficient to protect the city and the public and to carry out the purposes and policies of this chapter:

	Public Liability, Including Premises, Products and Complete Operations.
<i>General Liability:</i>	Bodily Injury Liability - \$1,000,000 each person, \$3,000,000 each occurrence
	Property Damage Liability - \$3,000,000 each occurrence
	In lieu of (1) and (2) Bodily Injury and Property Damage Combined - \$3,000,000 single limit
	Automobile Liability Insurance, including owned, non-owned and hired vehicles
<i>Comprehensive:</i>	Bodily Injury Liability - \$1,000,000 each person, \$3,000,000 each occurrence
	Property Damage Liability - \$3,000,000 each occurrence
	In lieu of (1) and (2) Bodily Injury and Property Damage Combined - \$3,000,000 single limit

The city may require a copy of the actual insurance policies. If the person is a corporation, a copy of the certificate required to be filed under M.S. § 300.06 as recorded and certified to by the Secretary of State. A copy of the person's order granting a certificate of authority from the Minnesota Public Utilities Commission or other applicable state or federal agency, where the person is lawfully required to have such certificate from said commission or other state or federal agency. A franchise agreement may exempt a permittee from this paragraph. The policy shall be kept in effect until the termination of a permit granted pursuant to this section.

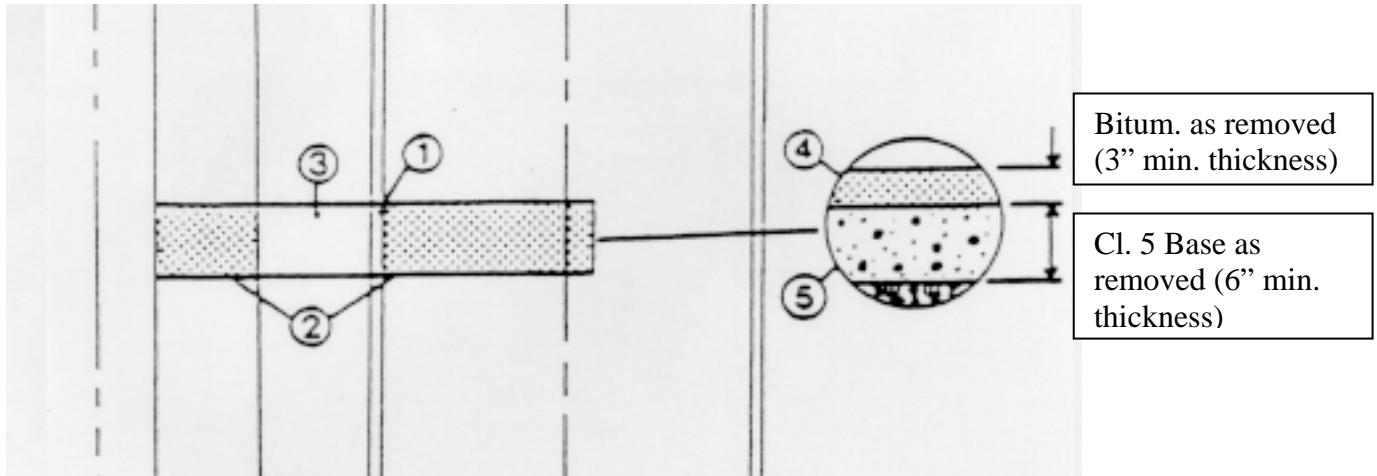
- c. Except for the negligent acts of the City, its agents and its employees, the permittee shall assume all liability for, and save the City, its agents and its employees, harmless and defend same at its sole cost and expense from any and all claims for damages, actions or causes of action arising out of the work to be done herein and the continuing uses by the permittee, including but not limited to the placing, constructing, and reconstructing, maintaining, protecting and use of said facility under this application and permit for construction.
10. Existing Facilities – The utility facility and installations shall not interfere with any existing utility facility on the City’s right-of-way or easements. It is the responsibility of the applicant to call for timely, necessary locations of existing utilities. (Gopher State One Call 811, www.call811.com or www.gopherstateonecall.org)
11. Private Property – The work permit or permit for construction as issued does not in any way imply an easement or right to enter private property.
12. Quality of Work – Finished surface, base and sub-base of all disturbed surfaces upon completion of work shall be at least equal to or better than current City specs for similar construction. New surfaces must match existing roads or trail-ways. **Hard surfaces shall be replaced within 48 hours upon completion of backfill.**
13. Cutting Trees – The permission herein granted does not confer upon the permittee the right to cut, remove, or destroy trees or shrubbery within the legal limits of the right-of-way or easements that are not specifically identified on the plan attached to this permit or relieve permittee from obtaining any consent otherwise required from the owner of the property adjacent thereto. The permittee shall protect the root growth of significant trees and shrubbery within the public right-of-way adjacent thereto.
14. Erosion and Sediment Control – All waterways and overland drainage shall remain operative. Requirements for erosion and sediment controls can be found in the MPCA’s NPDES General Permit for Construction. Copies of the NPDES Permit can be downloaded at

<http://www.pca.state.mn.us/water/stormwater/stormwater-c.html>. Right of Way work shall comply with NPDES Permit requirements and restoration/temporary stabilization timeframes regardless of project size. Proper erosion and sediment control shall be established and maintained throughout construction. Sediment controls may include but is not limited to the use of silt fence, inlet protection, biorolls, sod, etc. Stabilization may include but is not limited to the use of sod, erosion control blanket, mulch, etc. Disturbed areas shall be permanently or temporarily stabilized within 14 days of not being actively worked (i.e. if Area 1 is worked and left inactive for 14 days while work progresses in Area 2, then Area 1 must be stabilized even though the total project is not yet completed). If dewatering and/or pumping is necessary, water shall be discharged in a manner which will not produce erosion or nuisance conditions upon neighboring properties and will be treated by silt sock, sediment filtering dumpster, vegetation or other City approved method. There will be no discharge of sediment laden water to surface waters including curb and gutter.

15. Pole anchors – Pole anchors, anchors, braces or other construction may be permitted within right-of-way or easements and must be approved on a case-by-case basis.
16. Driving Limitations:
 - a. Driving or parking on City trails or sidewalks shall only be permitted for those operations requiring direct access to the boulevard area where adequate shoulder width is not available. Vehicles within the right of way area shall utilize their warning flashers at all times.
 - b. Vehicles driving on trails or sidewalks shall not operate in excess of 5 miles per hour. Vehicles shall operate at slower speeds when weather conditions, trail conditions, poor visibility, obstructed sightlines or other conditions require special precautions to ensure the safety of trail users and the general public.
 - c. Vehicles shall not be parked on trails or sidewalks in such a manner as to unnecessarily impede the safe and efficient use of trailways by the general public.
17. Vehicles or equipment traversing roads or trail surfaces shall not utilize studded or chained tires, caterpillar traction, or any other form of traction that will result in damage to the surface.
18. Clean-Up – Street and trails shall be cleaned at the end of each workday and affected rights-of-ways shall be cleaned after construction is completed and left in a neat and presentable condition. Any sediment or debris from improvement shall be removed from sanitary or storm sewer systems, including drainage swales and ponds, as needed.
19. Trees and Vegetation – Burning or discing operations and/or the use of chemicals to control or destroy trees, brush and other vegetation is prohibited without prior approval from the City.
20. Replacement of Sod – Wherever topsoil and sod are disturbed, they **shall be replaced and maintained satisfactorily until the turf is established**. Any turf that fails to be established shall be replaced and satisfactorily re-established. **Restoration of boulevards shall include a minimum 4” of topsoil and seed. At the request of the property owner, turf restoration for areas exceeding 10 sq. ft. shall include the placement of sod. The notice to property owner shall clearly identify this option to the property owner. The property owner shall assume maintenance requirements for sod.**

21. Street Opening – Contractors that require a permit to complete a repair on the street, cut the curb for a driveway, or other such street openings will be required to follow the Ordinance and restore the street accordingly. The fee schedule identifies the cost for an excavation permit and also the portion to be returned to the Contractor upon satisfactory completion of the restoration for street openings.

PROPERTY LINE



BITUMINOUS STREET & TRAIL RESTORATION

1. Curb and Gutter shall be removed only after saw cutting at joints and replaced according to specifications or Standard Plate.
2. Bituminous pavement area removed only after saw cut. Any damaged edges will be saw cut prior to patching.
4. Boulevard sod removed shall be replaced with minimum 4" of topsoil and seed.
4. **2350 Bituminous wear** course shall be paved between May 1st and October 31st for permanent patch. Temporary cold mix patch should be used November 1st to April 20th (or as permitted by weather). Depth of bituminous shall match existing pavement section (3" is a minimum).
5. Class 5, 100% crushed aggregate base. The depth of material to match existing with a 6" minimum.
6. Roadway closures in accordance with Appendix B – Traffic Control for street or highway work zones – MnDOT/MUTCD.
7. Compaction in any **trench** or hole outside of any hard surface shall be ninety-five percent (95%) of Standard Proctor. Compaction under any hard surface (sidewalks, trails, and streets) shall be 100% of Standard Proctor to a depth of 36" below base. Backfill must be placed in 12" layers and material shall be subject to the approval of the City. Material from the excavation may be acceptable provided such material is primarily granular in nature. Compacted backfill shall be brought to bottom of the gravel of the approved street section. Compaction shall be accomplished with hand, pneumatic or vibrating compactors as appropriate.

<p>City of Faribault</p>	<p>STREET AND BITUMINOUS TRAILWAY EXCAVATION/PATCH DETAIL</p>	<p>Revised 12/01</p>	
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