

**TOWN OF PROCTOR
HIGHWAY DEPARTMENT
STREET OPENING/ ROW PERMIT APPLICATION**

PERMIT ID# _____ DATE _____ FEES: APPLICATION \$25.00
APPLICANT INFORMATION STREET OPENING DEPOSIT \$ _____
NAME _____ TOTAL \$ _____
ADDRESS _____

CITY, STATE, ZIP _____
PHONE: DAY _____ NIGHT _____ FAX _____

PROPERTY OWNER INFORMATION

NAME _____
ADDRESS _____
CITY, STATE, ZIP _____
PHONE: DAY _____ NIGHT _____ FAX _____

PROPERTY TYPE

- RESIDENTIAL
- COMMERTIAL
- NEW CONSTRUCTION

THE LOCATION OF WORK

ADDRESS/LOT # _____
NEAREST STREET _____
DIG SAFE # _____

TYPE OF CONSTRUCTION: (CHECK ALL THAT APPLY)

WATER/SEWER NEW DRIVEWAY ACCESS BURRIED UTILITIES
 STORM WATER SIDEWALK NEW R.O.W. ACCESS
 OTHER (DESCRIPTION) _____

CONTRACTOR LIC# _____ INSURANCE CERT. ON FILE YES NO

SKETCH OR FURTHER DESCRIPTION:

START DATE: _____ **APPROX. TIME OF COMPLETION** _____

PERMIT APPROVAL:

ALL WORK MUST ADHERE TO THE CONDITIONS AND RESTICTIONS ON THE ATTACHED PAGE.

ADDITIONAL RESTRICTIONS AND CONDITIONS LISTED HERE:

Approved by _____
(Road Commissioner)
Approval date _____

Approved by _____
(Select board Chair)

Date work accepted _____
(Road Commissioner)

Accepted by _____

No work shall be done under this permit until the owner/applicant has contacted the Road Commissioner at:
45 Main Street, Proctor, VT 05765 or 802-459-3333 ex 15.

STREET AND R.O.W. RESTRICTIONS & CONDITIONS

DEFINITIONS:

“Town” means the Town of Proctor.

“Applicant” means the party(s) to whom the permit is to be issued.

“Co-Applicant” means the party who performs the work, if other than Owner/Applicant.

GENERAL:

Section 1.

No person, firm, or corporation [hereinafter “person”] shall do any excavation or opening in any Proctor right-of-way [hereinafter “ROW”], street, boulevard, highway, public alley, or sidewalk, in the Town for any purpose whatsoever, except with the permission and under the control and direction of the Town Road Commissioner, or his/her authorized agent [hereinafter “the Town Road Commissioner”], after obtaining a permit and providing the proper proof of insurance.

Section 2.

Before any person shall make any such excavation or opening, he shall first obtain a permit for such work from the Road Commissioner. The fee for such permit shall be \$25.00, payable to the Town of Proctor, when the permit is issued. The application will require a detailed description of the purpose and location where such excavation or opening is to be made, the approximate size of the opening, and the time frame of the work to be done. Such permit shall be issued for a period not to exceed 30 days from the date of its issuance and all work to be done there under shall be fully completed within such period, to the satisfaction and approval of the Town Road Commissioner. An extension will be granted for large scale projects and in the event of an emergency excavation during the winter months to allow time to do the final restoration of the jobsite. (pavement and landscaping).

Section 3. Proof of Insurance MUST include the following:

- Certificate of insurance must list the Town of Proctor as “ADDITIONAL INSURED”
Should read: Town of Proctor, 45 Main St. Proctor, VT 05765
- General liability \$1,000,000 minimum
- Workers Compensation Coverage
- Certificate must be signed by an authorized agent of the insurer.

For all large scale construction project over \$50,000.00, total job costs, such application shall contain a signed agreement that the applicant will indemnify and save harmless the Town of Proctor, Vermont from any and all claims for damages to person or property arising from or in conjunction with said work to be performed under such permit and shall also be accompanied with a surety bond in the sum of \$300,000 issued by a regular indemnity or surety company authorized to do business in the State of Vermont, conditioned substantially that the applicant shall indemnify and save harmless the Town of Proctor, Vermont or any of its officers, agents and employees from all suits and actions of every name and description brought against the said Town, or any officer agent or employee of said Town for or on account of any injury or damage, received or sustained by any person in consequence of or resulting from any work performed or negligence in guarding such work as provided in Section 5 hereof: or of his failure to properly backfill such excavations or openings in the manner specified in Section 5 hereof. In lieu of the provisions of this ordinance requiring a surety bond to be filed with each such application, when the applicant is a public utility company furnishing water, light, gas, transportation, telephone, or telegraphic services, an annual bond in the amount of \$300,000 may be filed with the Town Road Commissioner to cover all permits issued to them during the calendar year in which such bond shall be in force. Any other person, firm or corporation, who so chooses may also file an annual bond in the amount of \$300,000 with the Town Road Commissioner to cover all permits issued during the calendar year in lieu of separate bonds covering each permit.

Section 4.

When street openings shall be for the purpose of making a connection to or with any sanitary sewer and/or public water supply in the Town of Proctor, a separate permit for such connection shall be obtained from the Chief Operator of the Water/Sewer Department [hereinafter "Chief Operator"]. Any new driveway accesses must be applied for through the road commissioner and approved by the select board before a Street Opening/ROW permit can be issued. All new driveway aprons must be paved 10 feet in from the edge of the roadway. All construction of roads, driveways, culverts and drainage shall be in compliance with the Town of Proctor's codes and standards for such construction. These codes and standards are available on the Town of Proctor website. (www.proctorvermont.com)

Section 5.

Any person making any such excavation or opening shall provide protection for pedestrian and vehicular traffic by providing fencing, traffic control, and/or signage in compliance with MUTCD codes and standards during all periods of the construction. Sediment control will be installed to Vermont EPSC (Erosion Prevention and Sediment Control) field guide standards to control erosion from the jobsite if deemed necessary by the Town Road Commissioner. No opening which crosses any Class 1 or Class 2 road will be permitted to be left open past 1 hour after sunset. All street openings work must be done between the hours of 7:00 a.m. and 1 hour after sunset. No weekend work will be done unless it is deemed an emergency by the Town Road Commissioner. Written approval for any overnight or weekend opening must be obtain from the Town Road Commissioner. In cases where permission is granted for an overnight opening, it is the responsibility of the Applicant and/or Co-Applicant to provide proper lighting, signage, barricades, notification of emergency services, and warning signs for traffic control according to MUTCD codes and standards

Section 6.

The person making such excavation in a street/road shall saw cut and remove the pavement from the jobsite. All pavement and large rocks shall be removed from the jobsite and not mixed in with the fill that will be used for backfill. All excavated material from trenches, openings, and excavations must be placed in such a way as not to block vehicular or pedestrian traffic. Whenever possible, the original soils from the jobsite should be put back in, unless deemed un-useable by the Road Commissioner. Before backfilling, an inspection of all pipes and conduits must be inspected by the Town Road Commissioner and/or the Chief Operator. All such excavations or openings shall be filled as soon as practicable after the work has been completed and all necessary inspections required by any ordinance or regulation of the Town of Proctor have been made. All backfill shall be properly compacted in 12" lifts so that the earth placed therein shall not settle and shall be to the grade level of the existing street, highway, boulevard or public way immediately surrounding such excavation. All pavement is to be replaced to its original thickness and layers and the seams treated with emulsion. (TACK COAT)

No tunneling shall be done in any roadway of any street, highway, boulevard or public way except by consent of and under the direction of the Town Road Commissioner. All culverts or drains shall be kept clear and free of materials so as not to prevent or retard the flow of water therein and all work shall be performed in a thorough and professional manner. The back filling of any openings shall be permitted only under the direction and control of the Town Road Commissioner who shall see that all the provisions of these "Restrictions and Conditions" or any orders, directions or instructions issued by him or his authorized agent have been complied with.

Section 7.

In addition to the non refundable street opening permit "filing" fee of \$25.00, a refundable deposit will be required to cover the cost of any paving requirements in roads and driveway aprons. The amount of the deposit will be determined by the Town Road Commissioner governed by the size of the street opening, with a minimum deposit being \$300.00. This deposit will be held for 90 days after the job completion date, to insure there is no settling of the jobsite due to improper compaction. The applicant is responsible to repair any such settling of the jobsite during this period of 90 days. For large scale job requiring a surety bond, the paving deposit will not be required.

The Town Road Commissioner shall be notified upon completion of the excavation and shall inspect the excavation for proper backfilling. No less than ninety (90) days after the completion of the excavation, the Town Road Commissioner shall review the excavation for any settling or other damaging effects from improper

construction. If there are none, the refund of the deposit shall be processed for payment. If there are deficiencies, the Town Road Commissioner shall work with the applicant to correct the problems and shall return any portion of the deposit remaining after correction of the deficiencies. Any applicant wishing to appeal the decision of the Town Road Commissioner may petition the Town Select board for review.

Section 8.

Any public utility company furnishing water, light, gas, transportation, telephone or telegraphic services, may in case of extreme emergency proceed with such road opening or excavation without the required permit, if in the opinion of a responsible officer of such firm, a delay caused by the obtaining of such permit would be detrimental to the best interests of the Town of Proctor.

In such cases a permit shall be obtained at the earliest possible opportunity after the opening is made and all other provisions of this ordinance shall apply as if the permit were obtained in advance of the road opening.

Section 9.

The Road Commissioner may modify or revoke the permit at any time for safety related reasons or due to non-compliance of Town adopted 'Codes and Standards' without rendering the Town liable in any way.

In addition, the Road Commissioner may suspend this permit until compliance is obtained. If there is continued use or activity after the suspension, the Road Commissioner may physically close the work site and take corrective action to protect the safety of the highway users, both vehicular and pedestrian.

Section 10.

No street excavation permits shall be issued from November 1 to April 15, except under special or emergency conditions decided by the Road Commissioner

I have read, understand and will comply with the terms and provisions of the above ordinance.

Applicant name and address: _____

Signature of authorized agent: _____ Date: _____

Witness: _____ Date: _____