

# Town of Thomaston

## Road Excavation Permit Regulations

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Town of Thomaston Highway Department

Town of Thomaston WPCA

2005

Effective Date: \_\_\_\_\_, 2005

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## **1.Purpose**

- a. The purpose of these regulations is to maintain the quality of community life by establishing a fair and reasonable method to protect the roadway infrastructure of the Town of Thomaston. It is the intent of these regulations to allow qualified contractors to work in the streets of the town without compromising the aesthetics, safety, integrity or longevity of the Town's ways.
- b. Compliance with these regulations is mandatory for all excavation within the Town of Thomaston rights-of-way. Requests for waivers from any part of these regulations shall be made in writing to the Superintendent of Highways or Facility Superintendent WPCA. Waivers will be considered on a per job basis only. A waiver may be granted if the contractor demonstrates to the Superintendent(s), that the issuance of a waiver will not deviate from the intent of these regulations.
- c. Material and construction methods shall conform insofar as applicable, to the requirements of the State of Connecticut Department of Transportation, Standard Specifications for Roads and Bridges.
- d. From this point on these specifications will be referred to as "Form 814A".

## **2.Authority**

- a. These regulations have been adopted pursuant to the Town of Thomaston Ordinances adopted Dec. 3, 1969 and amended Oct. 27, 1992, as authorized by Connecticut General Statutes, Section 7-148(c)(6)(B) and(C).
- b. In developing these regulations, the Town of Thomaston recognizes that utilities regulated by chapter 293 of the Connecticut General Statutes are not subject to inspection and maintenance fees. The Town directs these utilities to the provisions for remedy under this and other chapters, and hereby serves notice that the Town will exercise all rights and privileges pertinent to the maintenance and protection of all ways within the Town of Thomaston. Any utility or corporation able to demonstrate and prove to the Town and/or Town Counsel, that they are subject to the duties and charges of a similar provision of the Connecticut General Statutes relative to the operation and construction of said utility shall be given a waiver to the relevant fees.
- c. Also the regulations that are stated in the "Call Before You Dig" Excavators manual will be followed.
- d. All contractors excavating within the Town's rights-of-way shall adhere to all regulations under Title 13 Chapter 236 (Sections, 13-a to 13-13a), Chapter 238 (Sections 13-a-36 to 13a-153) Chapter 241 (Sections 13-a-247 to 13-a-258).

### **3. Definitions**

- a. Contractor - A person, company, corporation, partnership, firm, association, society, organization, District, Federal, State or local agency or department, commission, public or private utility or other legal entity.
- b. Right-of-Way - Property between the street lines as defined by the street layout or the area within the traveled way. In case of uncertainty as to the true location of a street right-of-way in a particular instance, for the purpose of this specification a reference right-of-way line shall be established by measuring twenty-five (25) feet from the centerline of the existing pavement. However this clause shall not be construed as establishing any rights of land, its purpose being merely to establish a reference line for excavations.
- c. Road - Any way, highway, street, public or private, which is or has historically been maintained by the Town of Thomaston Highway Department.
- d. Excavate - Removal of any portion of an existing road, include curbing, sidewalks or grass areas within the Town's right-of-way.
- e. Permit - Written permission from the administering agency, the Town of Thomaston Highway Department.
- f. Superintendent - Superintendent of Highways or his/her duly authorized designee for the Town of Thomaston.
- g. Trench - Excavation usually made for installing, repairing or replacing a utility device, conduit, pipe structure or appurtenance.
- h. Curb cut - Access to a public way from private property for the purpose of vehicular or wheelchair access.
- i. Warranty - All work within a Town of Thomaston right-of-way will be guaranteed by the contractor for a period of 1 year against surface deficiencies, settlements or any structural failure.
- j. Work - Any surface treatment, surfacing, resurfacing, excavation or modification of a paved or graveled surface within the right-of-way.
- k. Temporary Cover - Cold Patch acceptable, 24 hrs. maximum unless hot mix asphalt plants are not open (this rule be under the discretion of the Superintendent of Highways or his/her designee).
- l. Safety Equipment - Cones, barrels, warning signs, barricades or other device to provide adequate notification to motorists and pedestrians. The use and specification of such devices is defined in the current Federal Highway Administration's "Manual for Uniform Traffic Control Devices." Any procedures outlined in current OSHA regulations.

## **4. Permit requirements and obligations**

### **a. Permit Process**

- i. Permit Applications are available between the hours of 8:00 AM and 4:00 PM, in the Building Department office at the Thomaston town hall, 158 Main Street, Thomaston.
- ii. Permits are required for work in any public right of ways including sidewalks and driveway construction or repair within the right of way.
- iii. The permit fee shall cover the cost of processing the permit application, record-keeping associated with the issuance of the permit, research of the road and its condition, inspection of the work area, inspection of the work while the work is in progress and inspection of the required restoration of the work area. The fee consists of \$25 for administration and \$100 for all inspection up to 200 square yards. Should the excavation exceed 200 square yards an additional fee of \$50 will be charged for each additional 100 square yards.
- iv. Completed applications for permits will be approved or denied within 5 business days of receiving all required bonds, insurance certificates, fees and Call Before You Dig information. Should the Superintendent or his designee not act on the permit within 5 days, the permit shall be considered to be approved and valid until such time as the permit is revoked, expires or upon the completion of the work. The contractor shall also be responsible for notifying all non-participating utilities not covered by Call Before You Dig. The contractor may pick up the approved permit at the Building Department office between the hours of 8:00 AM and 4:00 PM or at the contractor's request the permit will be mailed to the contractor for an additional fee of \$5.00. The contractor shall make adequate provisions and allow sufficient time for the approval process.
- v. The Contractor shall not render any road impassable without the written permission of the Thomaston Police Department. It is the responsibility of the contractor to notify Thomaston Police Department to determine if a police detail is necessary. Any Town of Thomaston agency performing work in the right-of-way may use departmental flaggers in substitution for a police detail Evidence of said determination by the Thomaston Police Department must be provided at the time of application. Failure to notify emergency services of an impassible road shall be grounds for the revocation of the permit.

- vi. The cost of all police details shall be responsibility of the contractor. Prior to any road being rendered impassable, the contractor shall notify Police Dispatch @860-283-4344 to report road closures. The contractor shall sufficiently address the concerns of emergency personnel such that public safety is not compromised by the contractor's actions.
- vii. The contractor may commence work when he/she has the approved permit in hand and after receiving approval from the Thomaston Police Department. The approved permit shall be at the site of the work at all times. The Highway Department and the Emergency services should be kept informed daily of the progress of the work.
- viii. The Highway Department or the WPCA shall provide inspection(s) as it deems necessary.

**b. Subsurface Utilities**

- i. Any utility company with facilities within the Town of Thomaston's right of way shall be obligated for the proper maintenance, repair and replacement of said facility. If the failure of any utility located within or outside the Town right of way causes damage to public or private property, the owner of said utility shall be responsible for the repair/restoration of any damage caused.
- ii. If the contractor damages or suspects an existing utility has been damaged directly or indirectly by the contractor's actions, the contractor shall notify the Highway Dept. and the owner of the damaged utility. The contractor shall not continue work until authorized by the Superintendent of Highways or his/her designee.
- iii. The method of repair to a damaged utility must meet with the approval of the Superintendent of Highways and the owner of the utility. The method of repair will be decided on a case-by-case basis at the time of damage, in no case shall the method of repair compromise the structural integrity, capacity or longevity of the utility without the expressed written consent of Superintendent of Highways or his/her designee.

**c. Backfill of Excavation**

- i. The contractor shall backfill all excavations with the native material if suitable. If, in the opinion of the Superintendent of Highways, the native material is unsuitable, the contractor will bring in suitable fill at the cost of the contractor. All backfill material shall be compacted to not less than 92% and gravel shall be compacted to not less than 95% of the maximum dry density.
- ii. The Superintendent of Highways may require soil testing to determine gradation, compaction and other parameters relevant to the proper construction of the roadway. Should the Town require said testing, the expense shall be borne entirely by the contractor
- iii. The approved road-opening permit will be valid for a period of 30 days unless otherwise stipulated.

**5. Winter Moratorium**

- a. No work will be allowed in the area of pavement between November 15, and April 1, except in case of emergency. Emergency work necessary for the protection of life or property may be conducted with the written approval of the Board of Selectmen or their designee. A waiver for extenuating circumstances may be approved by the Board of Selectmen only after consultation with the Superintendent of Highways.
- b. See Emergency Work Section 10.

**6. New Surface Moratorium**

- c. Excavation will not be allowed in right of ways that have been newly surfaced or resurfaced for a period of 1 year, except for emergency work (see section 10). Extenuating circumstances may be approved by the Board of Selectmen only after consultation with the Superintendent of Highways.
- d. In the event an excavation is allowed during the 1-year moratorium, the contractor shall conduct his work as directed by the Superintendent of Highways. The completed work shall provide a life expectancy comparable to the surrounding work. Possible special provisions to allow for proper stabilization and surfacing include but are not limited to, the use of infrared technology on joints within the excavation.
- e. Applicable procedures and testing results may be required by the Superintendent of Highways. Said testing shall be conducted by a testing agent or engineer approved by the Superintendent of Highways.

- f. All work allowed must be bonded, guaranteed and maintained for a period of not less than 1-year after excavation of the road.

**7. Bonding**

a. The contractor shall provide a bond to be held by the Town for the duration of the warranty period. The bond shall be issued in such manner, as it may not be cancelled without the written approval of the Superintendent of Highways.

b. The amount of the bond shall be as defined in the following table:

FROM (IN SQUARE YARDS)	TO (IN SQUARE YARDS)	AMOUNT (IN DOLLARS)
0	499	\$5,000
500	999	\$10,000
1,000	2,000	\$20,000
Over 2,000		\$20,000 +\$5 / sq. yd. Over 2000, or as approved by the Board of Selectmen

**8. Insurance**

a. The contractor shall provide Contractors' Public Liability Insurance providing for a limit of not less than \$500,000 for all damages arising out of bodily injuries to or death of one person, and, subject to that limit for each person, a total limit of \$1,000,000 for all damages arising out of bodily injuries to or death of two or more persons in any one accident and regular Contractors' Property Damage Liability providing for a limit of not less than \$500,000 for all damages arising out of injury to or destruction of property in any one accident, and, subject to that limit per accident, a total or aggregate limit of \$1,000,000 for all damages arising out of injury to or destruction of property during the policy period.

b. All insurance policies shall contain suitable endorsements providing for blasting operations if and when required.

## **9. Warranty of work**

- a. To allow the most reasonable method to insure the quality of work, the contractor has two options available to adjust the duration of the warranty period and the responsibility of the contractor during the warranty period. The options are as follows:

### **1. Standard construction methods**

- i. Prior to execution of the work, the contractor shall saw cut the pavement over the area of proposed excavation. Should the Superintendent of Highways reject the material, the contractor shall remove the material from the site at the contractor's expense. **AT NO TIME SHALL BITUMINOUS MATERIAL BE RETURNED TO THE TRENCH.**
- ii. After excavation, the contractor shall backfill using the material removed from the trench if approved by the Superintendent of Highways. All material shall be compacted in 6" lifts with mechanical compaction equipment and/or the use of jetting (with the approval of the Superintendent of Highways). The method used to compact this material shall produce a rate of compaction of 92% of the maximum dry density of the material. This material should be placed to within 22" of the surrounding finished surface. 18" of gravel shall be placed in 6" lifts and compacted to 95% of the maximum dry density of the material, this shall be followed by two lifts of Class 2 Asphalt first 2.5" and then 1.5". Both courses shall comply with the ConnDOT Standard Specifications For Highways and Bridges. In the event hot mix asphalt cannot be used in the repair; the contractor shall place 16" of gravel in 6" lifts and 6" of Cold Temp. Patch, which will be removed as soon as weather conditions allow. At which time the contractor shall complete the work in conformance with the above. The contractor shall maintain the trench patch and maintain the required bond for 1 year after completion of the work.

## **2. Payment of a Repair and Maintenance Fee.**

- i. To reduce the warranty period defined in 9.1.1, a contractor may choose to pay a Repair and Maintenance Fee.
- ii. Within 12 months of receiving the Repair and Maintenance Fee, a Highway Dept. crew will re-excavate the contractor's work and restore the work as directed by the Superintendent of Highways. After the restoration by the Highway Department, the contractor will be released further warranty.
- iii. During the construction, the contractor shall comply with the construction techniques described in section 9.1.1 and elsewhere in this regulation, and shall maintain the work for a period of not more than 12 months, or until such time as the contractor's work is replaced by the Highway Department.
- iv. The cost of the Repair and Maintenance Fee shall be based on the current town bid prices for reclamation, preparation and paving of the area of the work plus 50% for depths of excavation up to 5 feet. Excavations over 5 feet in depth will require the cost of the Repair and Maintenance Fee be based on town bid prices for reclamation, preparation and paving of 200% of the area of the excavation. In lieu of bid prices, the Town may publish a standard rate schedule to be maintained on an annual basis by the Superintendent of Highways.

## **10. Emergencies**

Work completed under the classification of Emergency, because of threat of personal injury or property damage, shall be allowed to commence prior to attaining the permit providing notification Call Before You Dig and the Public Safety Dispatch has been achieved. The contractor shall contact the Superintendent of Highways or his/her designee within 24 hours to apply for permit. Should the Superintendent of Highways find that the situation surrounding the work does not constitute an emergency, the contractor shall be assessed a fine of \$200.00 per day until such time as the work is complete and the permit fee paid.

## **11. Exemptions**

The Town of Thomaston Highway Department is exempt from the application process. Fees and bonds may be reduced or waived for other public agencies at the discretion of the Board of Selectmen, however the application process and all construction specifications and warranty periods shall apply.

## **12. Backfill Requirements**

- a. With the exception of an in-place reclamation project, or the use of processed gravel or Recycled Asphalt Pavement, no excavated bituminous material shall be returned to the trench.
- b. Unless the gravel base material has been removed per section 9.1.1., the contractor will stockpile (off the road) gravel found in the roadbed and place it in 6" compacted lifts, at the top of the trench as a base material whenever possible.

## **13. Curb Cut**

Driveway openings shall be constructed in conformance with the Town of Thomaston's Driveway Permit regulations.

## **14. Additional specifications**

- a. All pavements to be removed, including curbing and sidewalks, shall be saw cut prior to excavation
- b. Unless otherwise directed by the Superintendent of Highways, all excavated material shall be loaded directly into trucks, not stacked on the pavement or shoulder so as to minimize damage to the remaining pavement and existing shoulder, minimize dust, and facilitate the safe flow of traffic during construction.
- c. Any water encountered during excavation shall be discharged into an approved sediment control system prior to release to the existing gutter, swale, or other drainage structure. It is the contractor's responsibility to get approval from the In-Land Wetlands Commission and any other governmental body that may have jurisdiction.
- d. Excavated material shall be used as backfill to minimize differential frost action in the road subgrade. Exceptions to this will be made when the excavated material is too wet to be used as backfill, or contains excessive unstable organic material. Application of this section shall be at the discretion of the Superintendent of Highways.
- e. All backfill shall be compacted with equipment that is specifically designed for that purpose. Lifts of fill compacted with hand directed or operated equipment shall not exceed six inches in thickness. Lifts

compacted with self propelled heavy equipment shall not exceed twelve inches in thickness.

- f. Gravel sub grade shall match the thickness of the gravel existing adjacent to the excavation, but in no case shall it be less than eighteen inches in thickness.
- g. All gravel used for road base material shall comply with standards set forth in the ConnDOT, Standard Specifications For Highways and Bridges.
- h. The placement of temporary pavement is required immediately after completion of backfill and compaction. Cold patch is not a suitable long-term temporary pavement and must be replaced within 24 hours with Class 2 asphalt.
- i. The existing pavement shall be cut back one foot prior to the placement of permanent pavement. The pavement shall be mechanically cut in lines perpendicular or parallel to the direction of travel of the street.
- j. The edges of the existing pavement cut to receive permanent pavement shall have asphalt emulsion applied to the vertical surfaces prior to paving.
- k. All permanent pavements shall conform to ConnDOT, Standard Specifications For Highways and Bridges specifications for Class 2 hot mix asphalt base and top as specified previously.
- l. All temporary and permanent repairs to the rights-of-way shall be constructed to match existing grades, and graded to drain in the same manner as the original pavement or as directed by the Superintendent of Highways.
- m. All work performed is subject to inspection by the Superintendent of Highways at all times. The schedule of inspection shall be at the discretion of the Superintendent of Highways. Excavations shall not be back-filled without prior notification of the Superintendent of Highways.
- n. All work with the right-of-way shall comply with current Federal and State Americans with Disabilities Act regulations (42USC section 1201 et seq.).
- o. Excavations shall not be left unattended. At the end of every day the excavation shall be backfilled or covered with a suitable h-20 plate. Machinery shall not be left in the road without the consent of the Superintendent of Highways.
- p. The contractor shall be responsible to observe all applicable OSHA Regulations.

## **15. Revocation of Permit**

- a. The Superintendent may revoke the permit at any time for failure to comply with these regulations.
- b. If a permit is revoked, the work will cease and the road shall be repaired as called for in these regulations. No work will continue until the Superintendent of Highways is certain the situation that caused the revocation has been rectified.
- c. If while the work is suspended, the work is left in, or becomes an unsafe condition there shall be a fine of \$200 per day levied against the contractor, and the Highway Department will make the work safe. The Town may pull the contractor's bond, if the Superintendent believes that to be in the Town's best interest.
- d. A reinstatement fee of \$200 shall be required before the contractor can continue work.