

HIGHWAY/ROAD OPENING LOCATION APPLICATION

Code Enforcement

1 City Hall Plaza

Ellsworth, ME 04605

Phone (207) 667-4910

Fax (207) 669-6618

www.ellsworthmaine.gov

Property Location: _____		
Property Owner Information:		Date: _____
Name: _____	Phone: _____	Cell: _____
Contact email address: _____		
Address: _____	Town: _____	State: _____ ZIP _____

Applicant/Primary Contact Information: <i>(Write "SAME" if the primary contact for on-site work is the Property Owner)</i>		
Name: _____	Phone: _____	Cell: _____
Address: _____	Town: _____	State: _____ ZIP _____

Proposed Work Information:	Highway Number (if known): _____
Road Name: _____	
Type of Work Proposed: _____	
Who will perform work: _____	
Anticipated work schedule: _____	Starting Date: _____ Completion Date: _____

If this work is for a utility, has an application for a *Utility Location Permit* been submitted? Yes No N/A

If this work is state funded, is it covered by the State Agency Addendum? Yes No N/A

Have all existing utilities in the work area been notified of the proposed work and given an opportunity to comment?
Yes No

GPS Coordinates of Work Location: (Please enter coordinates in Decimal Degrees, WGS 1984)

Latitude (ex: 44.3073199)

Longitude (ex. -69.7775613)

Starting Point		
Ending Point		

Impact & Fee Information:			
Surface Type:	(A) Unit Cost:	(B) Estimated Area	Impact Value (A)x(B)
Paved Surface: Bituminous Concrete or treated surface/shoulders (Min. fee \$50, see below)	\$50.00 per Sq. Yard	Sq. Yard(s)	\$
Concrete Surface: Portland Cement Concrete or Bituminous on concrete. (Min. fee \$75, see below)	\$75.00 per Sq. Yard	Sq. Yard(s)	\$
All Other Surfaces: Plain gravel surface or shoulder or area outside roadbed. (Min. fee \$25, see below)	\$5.00 per Sq. Yard	Sq. Yard(s)	\$
Direct Buried Cable: (Low-impact installation of cable outside of the traveled way/shoulder)	\$0.20 per lineal ft.	Lineal Feet	\$
Other Work in addition to replacing pavement (specify)			

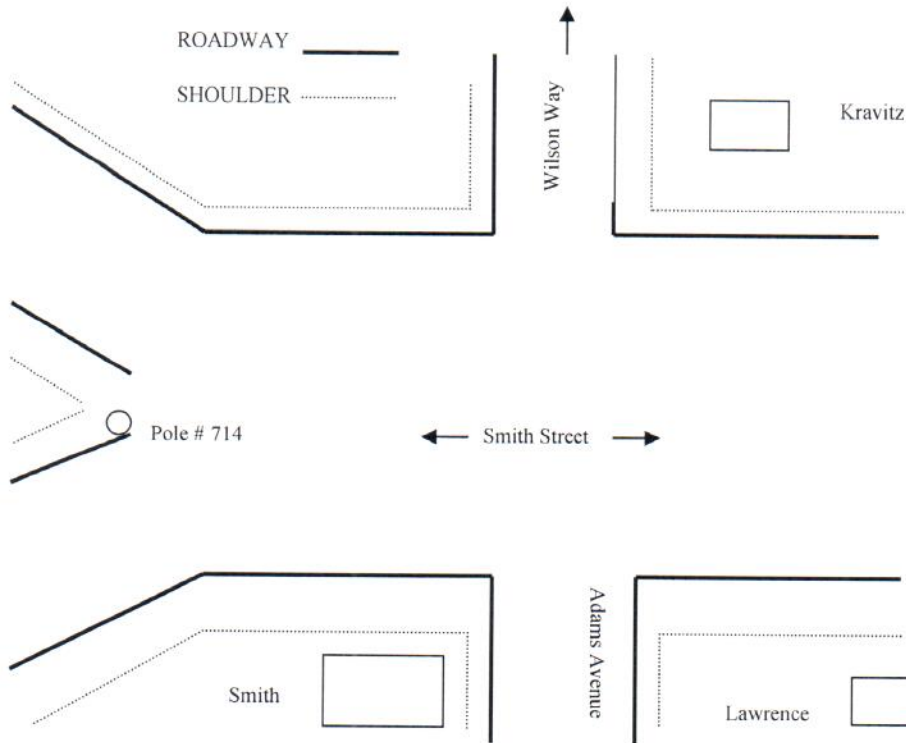
TOTAL IMPACT VALUE (SUM OF ALL IMPACT VALUES) \$
(See Permit Fee Calculation on Page 2)

Permit Fee Calculation: Ten percent (10%) of Total Impact Value (Page 1), OR, if the calculated permit fee is less than the highest minimum fee specified above for the surface type impacted, than the highest applicable minimum fee shall be used. (Example: if you impact a paved and a non-paved surface, the applicable minimum fee is \$50.00.)

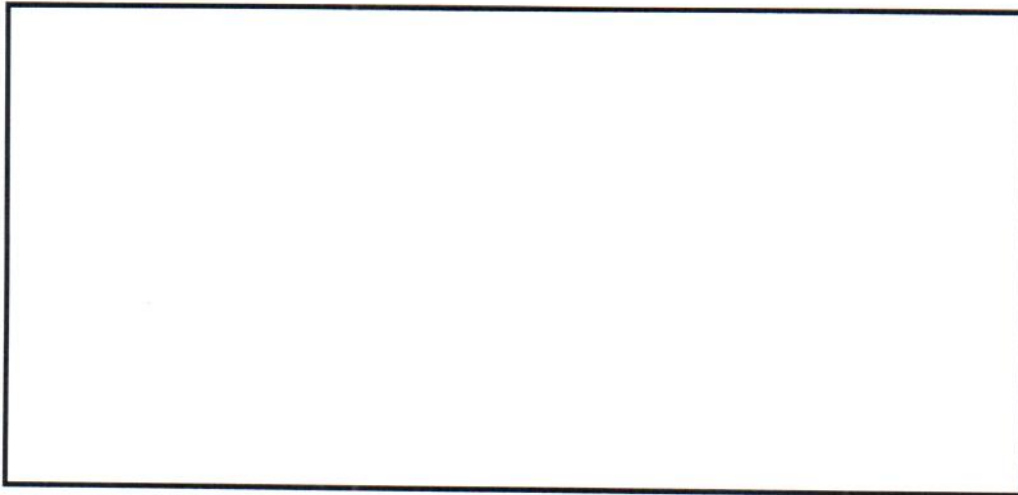
TOTAL FEES

\$

Example sketch of a proposed highway/road opening:



Using the example above as a guide, please to sketch the proposed opening:



Construction requirements placed on property owner/applicant by the City of Ellsworth:

Instructions for Payment:

If you are a licensed utility, a municipality or any other governmental entity AND the TOTAL IMPACT VALUE calculated above is \$2,500 or less, please include payment in the amount of the Permit Fee with this application, made out to **The City of Ellsworth.**

If you are NOT a licensed utility, a municipality or any other governmental entity, AND the TOTAL IMPACT VALUE calculated above is \$1,000 or less. AND you will not be impacting the paved or concrete surface of the highway, please include payment in the amount of the Permit Fee with this application. If you ARE proposing to impact the paved or concrete surface of the highway, please include payment in the amount of the TOTAL IMPACT VALUE and all but 10% will be returned to you upon satisfactory completion of the work.

If the TOTAL IMPACT VALUE **exceeds \$2,500** for licensed utilities, municipalities or other governmental entities. OR **\$1,000** for all other applicants, a *SPECIAL OPENING PERMIT* as described in section II E of the *Highway Road Opening/Location Permit Policy* shall also apply. In this circumstance, an 'escrow' account will be established and there is no direct payment submitted with this application.

Do you request refund of the entire permit fee contingent on a full width overlay per Section II, A. of the Special Opening Permits? Yes No

NOTICE TO APPLICANT: the Applicant is hereby notified that, upon approval of this application, all work shall comply with the following requirements, as applicable: (1) all conditions specified in the Highway/Road Opening Location Permit; (2) the Department's Highway Road Opening/Location Permit Policy; (3) the Department's Utility Accommodation Rule (17-229 CMR 210); (4) all conditions of a Utility Location Permit issued pursuant to 17-229 CMR 210; and (5) local ordinances and federal and state laws. In the event of a conflict between any applicable requirements, the more stringent requirement shall govern unless otherwise directed by the Department. Specific attention is directed to the following requirements: (1) Work zone traffic control standards as defined by the Manual on Uniform Traffic Control Devices (MUTCD); (2) Occupational Safety & Health Administration (OSHA) trenching and excavation standards; and (3) 23 MRSA Section 3360-A, Protection of Underground Facilities (a.k.a. "The Dig Safe® Law") which requires notification to various entities at least three working days prior to making any excavation. Additional information may be found at: <http://mutcd.fhwa.dot.gov>. <http://www.osha.gov/SLTC/trenchingexcavation>, and www.digsafe.com respectively. **The applicant further agrees that, upon approval and issuance of a permit, the Department will be notified at least 48 hours in advance of the start of any work.** The Applicant shall be responsible for all final restoration of the affected area to the satisfaction of **The City of Ellsworth.**

Property Owner/Applicant: _____ Date: _____

Code Enforcement Officer: _____ Date: _____

Highway Foreman: _____ Date: _____

CITY OF ELLSWORTH

ROAD OPENING PERMIT ESGROW AGREEMENT

WHEREAS, _____ (hereinafter "Permittee")
Has made an application for a Road Opening Permit; and
WHEREAS, the City of Ellsworth intends to issue Road Opening Permit # _____
To said Permittee, and
WHEREAS, an escrow account (# _____) in the amount of \$ _____ Has been made
with the City of Ellsworth.

NOW THEREFORE, it is understood and agreed:

- I. That the City of Ellsworth shall hold in trust said deposit in the amount specified above for one year after completion of the project.
- II. An inspection of the project will be completed by the City of Ellsworth on or about the one year anniversary of the project to determine the completeness of the work and the condition of the repairs. Upon satisfactory inspection of the workmanship, and in accordance with the terms and conditions stipulated in the above referenced Road Opening Permit, the Code Enforcement Officer will specify to the Finance Officer, in writing, the final amount to be released to the City (10%) and to the Permittee (90%).

This AGREEMENT made and executed on this _____ day of _____
In the year _____ by the undersigned.

Permittee

Finance Director

Code Enforcement Officer

Permittee Contact Information

Permittee Name

Permittee Representative

Mailing Address

City, State, Zip

Telephone Number

City of Ellsworth Contact Information

Nathaniel Moore

City of Ellsworth Finance Director

1 City Plaza

Ellsworth, Maine 04605

207-669-6624

City Of Ellsworth

Highway Road Opening/Location Permit Policy

I. REGULATIONS

The following is hereby adopted to regulate and control the application and issuance of Highway Opening Permits granted by the City of Ellsworth and the excavation, use and repair of city streets and state highways within the City of Ellsworth Urban Compact Area by permittees.

A Highway Opening Permit shall be obtained before any excavation is made within the highway right-of-way, except for emergency maintenance of an existing facility. If an opening is made for emergency purposes a written permit shall be obtained on the first business day after the emergency.

II. APPLICATION

A. All applications shall be made on the most current forms supplied by the City of Ellsworth through the City Of Ellsworth Code Enforcement Office.

B. All applications shall be signed by an authorized employee of the company, corporation or district for whom the work is to be done (i.e., the owner of the proposed facility).

C. Every application shall contain:

- a) The name, address, and contact information of the applicant or applicants,
- b) The purpose of the opening,
- c) The estimated start and completion dates of the work,
- d) A plan showing the location and size of the cuts to be made,
- e) A signed statement that the applicant shall comply with all applicable rules, regulations and State of Maine Statutes which pertain to highway openings.
- f) An estimate of the square yards of roadway and shoulder area to be opened,
- g) An estimated cost to replace the highway surface and shoulders, based on the schedule included as part of the application. This amount shall be known as the "Impact Value", and
- h) The application shall be accompanied by a check in the amount of 10% of the estimated Impact Value (the permit fee), made out to City of Ellsworth. This application fee is non-refundable. The permit holder shall be responsible for all final restoration of the affected area to the satisfaction of the City of Ellsworth. Upon satisfactory completion of the repairs, the permit

shall be deemed complete. If satisfactory repairs are not done in a timely fashion and upon reasonable notice to the permit holder to do the same, the City of Ellsworth will accomplish the final restoration and bill the permit holder for the cost.

D. Every application shall be identified with the permit number when the permit is issued.

E. Where the estimated Impact Value exceeds \$2500 for Public Utilities, or Governmental Institutions or \$1,000 for all other applicants, an application shall be made for a Special Opening Permit. Under this Special Opening Permit, ten percent of the Impact Value is held in escrow and refunded to the applicant upon satisfactory repair of the roadway, minus a 10% administrative fee to be retained by the City of Ellsworth. The escrow fee is above and beyond the permit fee paid to the Code Enforcement Office.

F. If the permit is for only the replacement of existing pavement the City will not charge a fee for the permit.

III. PERMIT

A. All permits shall be made on prepared forms.

B. All permits shall be signed by an authorized employee or representative of the City of Ellsworth.

C. Every permit shall contain:

1. A permit number
2. Date of issuance
3. Name(s) of the applicant (a.k.a. "permittees")
4. Location of the purpose excavation
5. Time limitation or period during which the excavation may remain open
6. Any standard or special instruction together with such safety precautions to be observed as may be required due to the particular circumstances

IV. ADMINISTRATION

A. Issuance. All permits will be submitted to the City Of Ellsworth Code Enforcement Officer. All permits will be reviewed and signed by the Code Enforcement Officer, the Public Works Director and the Ellsworth City Manager.

B. Limitation. Permits for any portion of a highway located in the City of Ellsworth, where construction of which was completed within the time frames detailed below prior to the date of the permit, will be referred to the Ellsworth City Manager before the permit is granted; except in the case of an emergency no work shall be done by the permittee on any such section of highway until the permit has been approved by the Ellsworth City Manager or his/her designee.

- Any overlay more than 5/8 inch "maintenance paving": 3 years

- Any construction work of higher order than an overlay, such as; “reclaiming”, “foamed asphalt”, and full depth base replacement; 5 years

If the applicant can show that the need for an opening permit could not have been reasonably anticipated before the highway was paved, and has made an effort to investigate alternate installation procedures, an "emergency" permit may be issued. For any Opening Permit issued within the time frame mentioned above, the City of Ellsworth may make sufficient charge, over and above the normal opening charge, to offset the cost of additional inspection and/or paving adjacent to the opening.

C. Location. No Highway/Street Opening Permit shall be issued without prior approval of the appropriate City of Ellsworth Utility Superintendent (Water, Wastewater). All approved installations will conform to the construction standards found as outlined in the permit.

D. Conditions. All permits shall be granted subject to the following conditions.

1. The traveling public shall be adequately protected.

a) At least one-way traffic shall be maintained at all times.

b) Work shall be signed, lighted and traffic officers will be supplied when necessary. All traffic controls shall be in accordance with the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, as issued by the Federal Highway Administration.

2. Construction methods shall be such that excessive excavation and excessive destruction of pavement will be avoided. Pavements shall be cut in advance along the proposed edges of excavation. All trench work shall comply with current OSHA regulation.

3. The backfill material shall be as follows:

a) Top 12 inches, or full depth of gravel base in more recently constructed highways, shall conform to the Maine DOT gravel base specifications.

b) All other backfill shall be equivalent to material removed, except that special backfill of suitable material may be used immediately around pipe, cable, conduit, etc. or to replace material which cannot be compacted.

c) The permittee may, in the interest of good public relations, place a temporary bituminous mix on trench. The placing of the temporary bituminous mix will not reduce the opening fee.

4. Backfill material shall be uniformly distributed in layers of not more than 8 inches and thoroughly compacted by use of approved mechanical compactors before successive layers are placed. Water shall be added when necessary to increase the moisture content of the backfill material in order to obtain adequate compaction. Puddling or jetting of backfill will not be

opening is deemed to be an emergency, the City of Ellsworth will require more stringent winter conditions and the permit holder will be required to provide temporary paving and to maintain the trench until the frost is out of the ground.

3. It should be noted that the total bill to the permit holder is dependent on the damage done to the highway facility. There is no opening fee unless the opening of a paved area (areas surfaced with gravel are considered paved), a shoulder area, or on opening between a normal ditch cut, or bottom of slope in fills and the shoulder is required.

4. In general, there is no opening fee if an installation is made immediately before or during reconstruction of the highway. Although an opening fee may not be charged, the permit holder will be billed for any damage to the highway facility. If traffic is to pass over the location, the trench shall be capped with 3 inches of cold mix bituminous pavement for openings made before construction, and shall be subject to the highway contract specifications made during construction. The permittee shall be responsible for maintaining the trench area until such time that the roadway falls under jurisdiction of the construction project.

5. Installations proposed to be made under paved areas shall be designed to use the shortest possible distance under the pavement consistent with the particular installation involved. The City of Ellsworth may require, or the permittee may propose, a method of installation (such as tunneling or jacking) which will not cause damage to or opening of the pavement. When such method is required or proposed; the method to be used shall be developed by the permittee and approved by the City of Ellsworth. Approval by the City of Ellsworth will not relieve the permittee of its responsibility for performing the work in a satisfactory manner.

6. When the crossing of a major highway is involved, the permittee shall give due consideration to the installation of a conduit or sleeve of adequate design to permit the operating facility to be removed for repair or replacement without opening the highway.

7. Private water, power and cable crossings shall be placed through a suitable pipe sleeve extending not less than out to the shoulder.

8. Installations subject to freezing shall be sufficiently deep so that it will not be damaged by frost penetration.

F. Policy - Locations.

The City of Ellsworth may approve the location of private utilities within the right of way. These utilities will be placed so that they will not interfere with the repairs of existing City or State utilities (water, sewer, electrical or stormwater). The applicant will assume all liability for the placement of these utilities and the City of Ellsworth will not assume any liability in regard to damage of these utilities from the repair or maintenance of the streets, water lines, sewer lines, underground electrical conductors or stormwater systems.

allowed. Base materials for highways under construction shall be compacted in accordance with the applicable Maine DOT specifications.

5. Surplus material shall be removed from the site and the area shall be left in a clean, presentable condition.

6. Permanent pavement shall be replaced to a maximum depth of up to 6 inches as required by the City of Ellsworth.

7. Compliance with the terms and conditions of this permit shall be the responsibility of the permit holder. The City of Ellsworth will not assume any liability for damages arising out of or resulting from a violation of the permit terms.

8. If the City of Ellsworth determines that work is being conducted in an improper manner, the City will notify the permittee, both verbally and in writing, of the deficiency (or deficiencies) and may also require additional actions to correct and/or verify work that has been accomplished and to prevent further issues on the project. Examples of such actions may include:

- a) requiring the permittee to retain the inspection services of an engineering firm, at the permittee's expense,
- b) re-excavating and backfilling questionable or deficient areas as may be necessary, or
- c) cleaning areas that were not properly addressed

If the permittee does not undertake the required corrective actions, the City of Ellsworth reserves the right to address the issues as necessary and will charge the permittee for all associated costs.

9. After the excavation has been made and backfilled, the actual square yardage of disturbed area, including any areas adjacent to the installation disturbed by blasting or other similar cause, will be measured by the Code Enforcement Officer or his/her designee. If the final permit fee based upon actual measurements differs from the estimated permit fee, an adjustment will be made either in the form of a refund or bill showing the additional amount due. In the case of a Special Opening Permit, the estimated escrow fee will be refunded to the permittee, less 10%, upon satisfactory repair of the roadway by the permittee.

E. Policy - Conditions.

1. The City of Ellsworth shall limit the permit by setting the time within which the work must be accomplished and may prohibit work on Saturdays, Sundays, and holidays.

2. No permit, except in the case of an emergency, shall be granted unless the work contemplated is to be completed within the paving zone dates specified in Maine DOT's Standard Specifications (Rev. Dec. 2002), Section 401.06. This provision will not apply where the location of the facility or the method of installations proposed by the Contractor and approved by City of Ellsworth is such that damage to or opening of the pavement is not anticipated. When an