

UTILITY PAVEMENT CUT POLICY

Adopted: January 21, 2014, Revised January 1, 2021

The City of Burlington is charged with the regulation of the City public rights-of-way (ROW) in the interest of its citizens. It is the responsibility of various assigned departments to exercise control and coordination over various utility companies and private contractors when working within the City public rights-of-way. Our objective is to ensure the integrity of the infrastructure, provide for public safety, and to minimize any necessary inconvenience for the motoring public. At the same time, the City of Burlington acknowledges that there is a definite need and obligation to accommodate utility companies in the providing of services to their customers with the understanding the infrastructure is restored to its intended use in equal or better quality.

It is expected that the utility companies and private contractors will understand that the primary purpose of the public roadways is to provide a way for vehicular traffic to move citizens from one location to another in a safe, timely and convenient manner. This purpose has precedence over any secondary City public rights-of-way usage purposes.

Utility pavement cut repairs are defined as any cutting of existing asphalt or concrete paved streets for the purpose of utility work. Utility work can be any work within the street requested by a franchised utility company such as telephone carriers (AT&T, etc.) electric providers (Duke Energy), natural gas carriers (Piedmont Natural Gas Company), Private, Public or Local companies that have been granted access to the City public rights-of-way or licensed contractors tying into City maintained water and sanitary sewer mains or into City maintained storm sewer systems.

PERMIT PROCEDURE:

To assist in the achievement of the primary objective but also to address the many secondary ones, each applicant requesting to install a utility in the public right-of-way shall secure one of the following agreements with the City prior to any authorization to construct is granted in the public rights-of-way: (1) Right-of-Way Use agreement (2) Franchise agreement (3) Encroachment agreement, as per the "**CITY PUBLIC RIGHTS-OF-WAY MANAGEMENT ORDINANCE**". The Engineering Department (336-222-5050), will have the responsibility for routing such requests. Also, to ensure that all installations are performed in accordance with City of Burlington construction standards, an **Excavation Permit** complying with the "**City of Burlington Public Right-of-Way Excavation Permit-General Guidelines**" will be issued before the work can proceed. Contact the Engineering Department for all work requiring an excavation permit and to set up a pre-construction meeting prior to work.

Each permit applicant should submit three copies of the plan or sketch showing detailed information (maximum size - 11" x 17") that clearly shows the intent of the proposed work and the location or evidence of an approved construction plan. Photocopies of a section of an approved construction plan are acceptable. Dimensions for pavement cuts are to be drawn on the plans submitted for permitting and are to be based on final repair dimensions using City of Burlington Standard Specifications and Engineering Details. The lack of plan clarity is sufficient cause for rejection.

The issued permit should be available at the job site at all times and shall be shown to any representative of the City of Burlington upon request. The name, address, and phone number of the company performing the work are required including an emergency phone number in case a

hazardous situation should arise needing an immediate response. Not having the permit on site will be considered sufficient reason for a stop work order to be issued.

EXCLUSIONS TO PERMIT PROCESS:

An excavation permit will not be required in cases where the installation does not constitute an extension of the applicant's infrastructure (ie, service drops): and does not require disturbance to the City infrastructure. (Streets, sidewalk, storm sewer, waterline, sewerline, etc.)

Emergency repairs do not require that a permit be achieved prior to the work completion. A permit shall be acquired within 48 hours of the work completion. (see Emergency Work)

Licensed utility contractors tying to the City public utility will not be required to acquire a City Public Right-of-Way agreement prior to construction. All other provisions of this policy shall apply including permit fees.

For any person doing or performing any work or excavation under any contract with the City will be exempt from payment of the Excavation Permit Fees under these provisions.

BONDS & INSURANCE:

As a condition of the issuance of any permit for any utility or person making an excavation in the City public right-of-way, the City Engineer will require the applicant to file with the City a minimum of a \$50,000 performance bond to cover the cost of replacing or repairing any street, sidewalk or public facilities in as good or better condition, in all respect, as before the excavation.

For all work, not requiring a City public right-of-way agreement, such work shall be bonded and insured as per City Ordinance 32-88, "Provisions of permit; bond and liability insurance required" at \$5000 performance bond and \$1,000,000 general liability insurance. All other work requiring a City rights-of-way agreement will provide insurance as prescribed in the "City Public Rights-of-Way Management Ordinance".

The City Engineer, at his discretion, may request a larger bond based on the size and complexity of the excavation, the applicant's past compliance with the provisions of this article and the need to protect public assets and the public health and safety.

The applicant may request and maintain a minimum performance bond to be filed with the City and renewed at the beginning of each calendar year. Said bond shall be written to apply to multiple events during the bond period.

For any person doing or performing any work or excavation under any contract with the City will not be required to post a bond under these provisions, but are not exempted under the specific contract provisions with the City.

CONSTRUCTION STANDARDS FOR STREET REPAIR:

The applicant may elect to request the City Streets Division, of the Public Works Department to replace the asphalt pavement. The payment is considered as "utility repairs in street" and the amount would be based on the City of Burlington Fee Schedule in effect at the time of application. This charge would be payable at the time the permit is issued. Payment to the City

for the reimbursement for the street repairs would be in addition to any associated Excavation Permit fees.

The procedures for the restoration of City streets once a pavement cut has been made shall be as follows:

ASPHALT REPAIR:

Saw cutting will be required around the perimeter of all excavations to provide clean, straight and vertical sides. The cut and repair shall be made according to City of Burlington Std. M-1, M-2, or M-6 (except as stated herein) including 1' or 2' "shelf" (as noted below) parallel and longitudinal shelves, compaction, the tacking of joints, and related specifications. Select backfill material shall be compacted to 95% relative density. In all cases, the final repair shall be rectangular (no more than four interior approximate 90 degree angles), normal to the centerline of the road, and flush with the existing pavement. (Shape of cut may vary with City Inspector approval.)

The following additional requirements will apply to pavement cuts:

Note# 1: Two (2') shelves are required for trenches greater than 3' in width, 5' in depth, or in roads designated as major thoroughfares.

Note# 2: In many cases for ride quality, the final inch of surface course for the pavement repair must be placed with a paving machine and compacted with a tandem roller. This determination will be made by the City Inspector prior to issuance of the permit, based on cut and field conditions. Paving equipment must be pre-approved by City Inspector.

Note# 3: The limits of the street restoration shall be saw cut after backfill of the trench is completed and shall extend beyond the outer edge of the widest portion of the section. If more than one excavation is involved, including an existing pavement repair section, and are less than three feet apart or within two feet of a concrete gutter line, the restoration shall be continuous between excavations and/or the edge of the concrete gutter.

Note# 4: Restoration of the pavement structure must be no less than the current City repair standard M-1, M-2, or M-6 or equivalent to the existing pavement section, whichever is greater. The trench will be backfilled to a minimum of 8" of ABC stone compacted to 95% is required in all sections. On major thoroughfares, (greater than 36' in width), the minimum depth of asphalt would be 6".

Note# 5: A mill out and/or asphalt overlay may be required depending on the existing condition of the road, magnitude of pavement cut, location of pavement cut, and other mitigating circumstances as determined by the City Inspector prior to construction.

While limited resources in all departments will make compaction testing for every pavement cut repair impossible, it will be the City's practice to conduct random compaction testing from time to time. It is advisable that each company monitors and verifies compaction requirements are being met.

The involved utility companies or private contractors will be held responsible for any pavement cut repairs that fail. There will be no set warranty period established when the permit is issued.

All pavement cuts must be properly color coded with spray paint as recognized by current underground locate markings policy, if applicable.

SIDEWALK REPAIR:

Existing sidewalk impacted during construction will be replaced to the line and grade of the surrounding sidewalk. All sidewalk removed during construction will be removed to include entire panels or to the nearest construction or control joints. The perimeter of the sidewalk will be saw cut where required. The City Inspector will inspect all subgrade prior to pour. Pours will not be authorized on frozen, wet or un-compacted subgrade. All sidewalks to be a minimum of 4" in depth. All wheelchair ramps will be 6" in depth. All sidewalk materials to conform to the NC DOT Standard Specifications for Roadway Structures, latest version, minimum Class B concrete.

DRIVEWAYS IMPACTED DURING CONSTRUCTION:

The utility contractor will coordinate the closing of the driveway with the owner prior to construction. Closing will be performed in a way to minimize the impact to the owner. This may include alternative access locations for the owner during construction. The contractor may look for alternatives to minimize the closing and as approved by the City Inspector.

CONCRETE DRIVEWAYS:

Existing driveways impacted during construction will be replaced to tie to the line and grade of the surrounding driveway. All driveways removed during construction will be removed to include entire panels or to the nearest construction or control joints. The perimeter of the driveway will be saw cut where required. The City Inspector will inspect all subgrade prior to pour. Pours will not be authorized on frozen, wet or un-compacted subgrade. All driveways are to be a minimum of 6" in depth. All driveway materials to conform to the NC DOT Standard Specifications for Roadway Structures, latest version, Class A concrete or greater strength.

CONCRETE CURB:

Existing concrete curb impacted during construction will be replaced to tie to the line and grade of the surrounding curb. All concrete curb removed during construction will be removed to include entire section between construction or control joints. The section removed will be saw cut where required. The City Inspector will inspect all subgrade prior to pour. Pours will not be authorized on frozen, wet or un-compacted subgrade. All concrete curb is to conform to the NC DOT Standard Specifications for Roadway Structures and Standard Drawings, latest version. The concrete curb will be constructed using Class A concrete.

GRASSED SHOULDERS AND MEDIANS:

When construction impacts grassy or natural areas, the area will be restored to its previous or better condition. Permanent seeding will be placed within 48 hours of disturbance per the City of Burlington Engineering Specifications and Standard Drawings, COB detail SE-24. Upon City Inspector review of the site, other erosion control measures to retain silt in the construction area may be required. The contractor shall make installation in a manner to minimize disturbance to existing shrubs, trees, mailboxes, etc. in the City public right-of-way.

WORK HOURS:

Due to traffic usage needs, there are restrictions applied to work in certain locations. The Engineering Department will provide any limitations to the work hours associated with any given installation. Any company's work activity that requires a lane closure or may impede traffic flow is required to follow the MUTCD guidelines. All lane closures will be required to have the prior approval of the Engineering Department. Pedestrian and/or vehicular traffic must be maintained at all times. The contractor's available work hours in the City public right-of-way may be limited due to traffic concerns.

The contractor's work hours may be restricted due to the "Noise Ordinance" requirements in residential areas.

Equipment and materials must be placed so as not to interfere with sight distance for vehicular traffic.

At the end of the workday, if the utility work is incomplete, the traffic lane must be reopened to traffic with the use of a temporary patch or a road plate. A permanent patch is required to be placed within 24 hours of the completion of the work.

EMERGENCY WORK:

No permit will be required prior to any work of an emergency nature. A situation may be classified as an emergency if there is immediate and clear danger to life or property. In emergency situations, the involved utility company will be expected to take whatever appropriate action is necessary to address the emergency. The contractor should attempt to contact the Engineering Department prior to work. If no other direction is given, the contractor shall follow the MUTCD traffic control guidelines.

A permit should be obtained within 48 hours after the work is completed so the City may have a record of the work. The standard permit fee would be collected at that time.

EXCAVATION PERMIT FEES:

An **Excavation Permit fee** will be charged to all utility companies / contractors / developers open cutting City of Burlington Rights-of-way for utility installation and repair. The Total Fee will be comprised of both an *Application fee* and possibly an additional *Pavement Degradation fee* if the public street is disturbed. If the applicant requests the City to make the pavement patch, then a restoration charge will be in addition to the permit fee.

Each "Job" will be required to have a separate Excavation Permit. Calculation of fees is determined separately for each permit.

The Pavement Degradation fee, when applicable, will be charged in only City of Burlington maintained streets. Money collected from the fee will be used to supplement the City's maintenance and resurfacing programs. All excavations within the City public right-of-way require that an **Excavation Permit** be obtained from the City Engineering Department. The Excavation Permit fee will be collected at the time the Excavation Permit is granted. Anyone excavating within the City's public right-of-way, without a current permit, will be required to stop work immediately until such time as a permit is issued. **NOTE: Permit fees associated with a stop work requirement will be charged at 1.5 times the normal fee rate.**

All excavations within the North Carolina Department of Transportation rights-of-way will require an encroachment permit from the DOT District office. All work within the DOT rights-of-way will be performed and inspected to conform to the DOT requirements by DOT personnel.

No fee will be collected for the City for excavations in the DOT rights-of-way.

The Excavation Permit fee will be comprised of both an *Application fee* and possibly an additional *Pavement Degradation fee*. These fees will be broken down as such:

Application fee: The application fee is for review / coordination and inspection of the work within the City public right-of-way to insure that the work conforms to the provisions of the City of Burlington Pavement Cut Policy. This portion of the fee is levied in all open cuts within the City maintained public right-of-way, including streets, street shoulder and sidewalks. This fee will be collected at the time an excavation permit is issued.

Pavement Degradation Fee: Intended to recover damaged pavement repair costs associated with loss of pavement useful life expectancy due to the pavement cut. This fee will be based on the area of the trench excavation plus an area surrounding the trench excavation considered as the "area of influence" affected by the trenching operation. This portion of the fee is assessed only when the excavation cut is within the asphalt or concrete pavement areas.

Fees:

Application fee: As published in the City of Burlington Fee Schedule (currently \$100)

Pavement Degradation Fee:

Degradation fees will be determined based on the assigned cut type and size to calculate the Area of Influence. The Area of Influence is 3' outside the pavement cut area in SF.
(See attachment for examples and formulas used in the fee calculation.)

Pavement Degradation Fee: As published in the City of Burlington Fee Schedule (currently \$2.25 x the Area of Influence)

Streets Department to restore cut:

The contractor may elect to have the City restore the pavement cut once backfill has been placed to the finish grade. This will be coordinated at the time of the permit application. The fee would be calculated based on the area of the pavement replacement multiplied by the approved fee in effect at that time in the City of Burlington fee schedule (currently 1.15 x actual cost).

The Pavement Degradation Fee will still apply.

W. Todd Lambert, PE
City Engineer