

# CITY OF APPLE VALLEY 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 Public Works Department. Notification must be in writing 3 working days prior to commencement.
2. Traffic control devices shall be in accordance with the most recently approved 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 under-mining of roadways, trailways, utilities, or for safety reasons. Stock piling of excavated material shall not occur within the public-right-of-way without proper traffic control.
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 - 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. 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.
3. Change in Dates - 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 City Engineering Division.
4. Coordination - When possible, the permittee shall coordinate project work and installation of facilities in co-locations with other public right of way users.
6. Property Lines - The permittee shall locate property lines abutting public right-of-ways and replace any destroyed property corners with the services of a Minnesota-licensed surveyor.
7. Provisions and Specifications – These general provisions, specifications and Standard Plates shall be considered as forming an integral part of each and every permit issued for operations within Apple Valley. 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 which 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 location 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 areas 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. **Restoration of boulevards shall include a minimum of 4" of topsoil and sod, or hydro seed if approved by the City.**
  - H. All facilities shall be located so as to not interfere with existing and 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 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 statutes.
8. Execution - The permittee shall use diligence in the execution of the work authorized under this permit in order to not 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 his own cost.

**The permittee shall notify abutting property owners prior to commencement of any project work that may disrupt the use of and access to the abutting property.**

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 2 years (1 year for turf establishment) subsequent to completion of street repair to protect the City from defects in material, workmanship, or non-compliance with City standards or specifications.
  - b. 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 651-454-0002.)
  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 equal to or better than current City specs for similar construction. New surfaces must match existing roads, sidewalks, or trail-ways. **Hard surfaces shall be replaced within 48 hours upon completion of backfill unless otherwise directed by the City.**
  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. Drainage – All waterways and overland drainage shall remain operative. Proper erosion control shall be established and maintained throughout the construction and restoration.
  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. Form of Traction - Vehicles or equipment traversing roads or trailway 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 – Streets and trailways shall be cleaned at the end of each workday and affected right-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 disking 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 of 4 inches of topsoil.**

FILE: ROW/ROW PERMIT