

**RULES AND REGULATIONS FOR STREET
AND
SIDEWALK OPENINGS**



**DEPARTMENT OF PUBLIC WORKS
TOWN OF TEWKSBURY**

Adopted: March 23, 2004

**Department of Public Works
999 Whipple Road
Tewksbury, MA 01876**

**978-640-4440 (Phone)
978-640-4445 (Fax)
www.tewksbury.info**

Town of Tewksbury
General Conditions Under Which This Permit Is Granted

1. The permittee shall carefully and truly observe the rules and regulations and specifications adopted by the Town of Tewksbury to govern the work covered by this permit. Failure may result in revocation of this permit.
2. All work shall be in accordance with the Department of Public Works rules and specifications regulating street excavation, curb cuts, sidewalk and street construction, and sanitary and storm sewer installations.
3. Notice shall be given by the permittee to the Department of Public Works, Police and Fire Departments 24 hours in advance of excavation.
4. A copy of this permit shall be kept at the work site and shall be available to Department of Public Works officials upon request.
5. No work shall result in the concentration and discharge of surface or subsurface water including any mechanical dewatering activity into public or private property, resulting in damage to that property.
6. This permit is null and void unless a valid "Call Before You Dig Number" (DIG SAFE ticket number) appears on the permit form.
7. It is the permittee's responsibility to provide bond and certification of insurance, indemnification of the Town of Tewksbury, traffic control plan, and waiver of claims as required prior to the issuance of a permit. Work resulting in violation of the Town of Tewksbury by-laws will be reconstructed to conformance.
8. It is the Permittee's responsibility to obtain all other applicable federal, state, and local permits prior to commencement of any work on Town owned land.
9. No police details will be approved for assignment to the job site until all necessary permits are in place.

Specific Conditions

1. No construction activity, unless approved by the Department of Public Works or his/her authorized Department of Public Works representative, shall begin before 7:00 a.m., nor shall it extend beyond 3:30 P.M., Monday through Friday; no construction activity on Saturday, Sunday and holidays.
2. No street shall be closed, nor detour established, without the approval of the Town of Tewksbury D.P.W., Police and Fire Departments. Notice of intent for road closure and detour plans shall be submitted 10 days in advance of scheduled work except emergency repairs where at least one public safety official shall review and approve the detour plan prior to commencement of an emergency repair activity.

3. No materials shall be stored in the area of street and sidewalk outside of working hours. Any materials or equipment stored within other areas of the Town's right of way shall be protected with lights and barricades.
4. When, for reasons of safety, it is necessary for work to be done outside of working hours, the contractor will be notified to take immediate corrective action. If the contractor cannot be contacted or if he/she fails to do the work, the Department of Public Works will take corrective action and bill the contractor.
5. Contractors shall protect elements of the Town of Tewksbury's infrastructure and compact backfill to 95% of optimum density. The contractor shall notify the Department of Public Works immediately before initiation of the backfill process.
6. Notice must be given to the designated Department of Public Works coordinator by 11:00 A.M. on the day that the excavation is to be completed. If notice is not given by 11:00 A.M., the excavation must be properly secured (plated or brought back to grade) and lighted until the contractor is ready for the pavement installation to take place. To this end, the Town of Tewksbury will need the cooperation of all parties concerned. All excavations that are properly prepared and ready for patching are to be called into the designated Department of Public Works coordinator prior to 11:00 A.M. that day. The caller will identify their company and give the permit number and the length, width, and depth of the patch required. The Town of Tewksbury contract representative will then be notified to proceed with patching the excavation.

In regard to trench work (elongated cuts covering over 50 square yards), the permittee will contact the designated Department of Public Works coordinator by 8:00 A.M. with the approximate dimensions of the pavement opening to be affected by the end of the work day, and will further confirm these estimates by 10:00 A.M., so that the Town of Tewksbury contract representative will have sufficient labor and material available for the patch required.

7. All pavement replacement and repair will be performed by the Town of Tewksbury contract representative.
8. All charges for pavement work and necessary police details will be billed directly to the permittee by the contract representative, per the attached regulation.
9. The sketch shall indicate any existing damage in or adjacent to the proposed area to be excavated. If not shown on the sketch or noted in the special conditions, the contractor will be financially responsible for the repair or replacement.
- 10. Permits for new installations shall be issued only between April 1st and November 15th of each calendar year; except in cases of extreme emergencies, where a repair to an existing underground service line is needed to restore service. Otherwise, there will be no exception to this rule.**

Town of Tewksbury
Regulation for Street and Sidewalk Openings

1. Fees

- A. A non-refundable application fee of \$110.00 is required for all proposed openings.
- B. A non-refundable inspection fee of \$50.00 is required for all proposed openings.
- C. A deposit in the amount of \$1,000.00 is required and will be held until all repairs, as authorized by the Town of Tewksbury, are completed and payment is verified. Interest on retained money is considered to be the property of the Town of Tewksbury. Trenches not inspected due to the failure of the permittee to properly notify the Department of Public Works shall be subject to loss of deposit and/or repeat of restoration procedures.
- D. A Performance and Payment Bond in the amount of \$5,000.00 is required for each street opening permit granted. The Town of Tewksbury may allow a blanket bond commensurate with anticipated permit activity for routine excavators. Under no circumstances will this blanket bond be less than \$50,000. This bond will be released upon expiration of the guarantee period, as outlined in Section 3, Item J.
- E. The contractor must furnish the Town of Tewksbury with a Certificate of Insurance for General Liability in the amount of \$2,000,000.00.
- F. There shall be no permit fee for that work being done by a contractor performing or accommodating a Town construction contract.
- G. Work performed by those public utilities subject to regulation under M.G.L. Chapter 164 shall be subject to "Application" fee only (i.e. Keyspan, Mass Electric Verizon, AT&T, Comcast, e.t.c..

2. Notification

- A. The designated Department of Public Works coordinator of the Town of Tewksbury shall be notified 24 hours before the commencement of any work.
- B. Dig Safe must be notified not less than 72 hours prior to the commencement of any work.

3. Construction Procedures

- A. The pavement shall be pre-cut and may only be disturbed within the area requiring excavation for repair, replacement, or new installation. When the opening occurs within two (2) feet of the curb and/or edge of the hardened surface, the paved area between the excavation and the curb and/or edge must also be removed.
- B. In the backfill process, the backfill shall be composed of suitable material (subject to approval of the designated Department of Public Works coordinator). Concrete should be used around all electric and telephone conduits in trenches. Controlled Density Fill

(CDF) or Flowable Fill (FF) may be required. Compaction (when CDF or FF is not in use) will be executed in six-inch layers. Each layer shall be 95% compacted by mechanical means. When the total surface area of an individual opening in bituminous concrete is less than nine (9) square feet, all backfill material(s) will be placed to within a minimum of six (6) inches of the pavement surface, or the thickness of the original pavement structure, whichever is greater. For individual openings with surface areas of nine (9) square feet and larger, the backfill material(s) will be installed to within four (4) inches of the pavement surface or the thickness of the existing structure, whichever is greater. "Pavement structure" will incorporate all previous paving materials used above the gravel subbase, including but not limited to bituminous concrete, cement concrete, cobblestone, or macadam.

- C. The hardened pavement shall then be cut back and removed six (6) to twelve (12) inches from all sides of the initial excavation to the depth of the original pavement structure, exposing the undisturbed gravel subbase. Edges will be cut perpendicular to the surrounding surface and will have a clean vertical face, particularly in the corners. All utility structures shall be leveled to the adjacent surfaces. The cutback shall be in straight lines with 90-degree angles at the point(s) of intersection.
- D. All surplus and/or unacceptable excavated materials shall be removed from the job site immediately. The excavation site shall be maintained in a clean and safe condition at all times. Sidewalks and streets shall be cleaned and opened to traffic at the end of each working day, unless otherwise authorized by the Town of Tewksbury. Access to properties are to be maintained. The removal and disposal of materials, including pavement, is the responsibility of the permittee. This shall be achieved in such a manner to minimize interference with pedestrian and vehicular traffic.
- E. The permittee shall be liable for the condition of the street and sidewalk openings, and protection thereof prior to the temporary repair, and will be held responsible for all damage due to any failure of barricades, barriers, warning signs, lights, or steel plates to properly protect the work from traffic, pedestrians, or other possible causes of damage. No barriers or barricades shall be placed in a manner that may prevent access for emergency response vehicles. At times other than while work is actually being performed, all open ditches shall be protected by uniform traffic control devices in conformance with the FHA Uniform Traffic Control Devices Manual and with the Massachusetts Department of Public Works Work Zone Standards Guideline Manual. All excavations must be properly secured to ensure the safety of the traveling public, and immediately reported to the designated Department of Public Works coordinator.
- F. Temporary patching shall be performed by the Town's contract representative in accordance with the technical specifications of the Town of Tewksbury, and shall be the financial responsibility of the permittee. The Town of Tewksbury reserves the right to determine and select the lowest responsible bidder to perform all contract services required. Current contract prices will be made available with completed permit applications. All barricades and/or safety devices shall be immediately removed from the vicinity upon completion of the temporary bituminous patching application.
- G. Any improperly prepared excavations, including those left with unacceptable back-fill material or insufficient pavement depth, shall be temporarily paved by the municipal

contract representative and charged to the refundable deposit of the permittee. The deposit shall immediately be replenished to the original amount. At a later date, the trench shall be re-excavated and prepared correctly by the permittee. Under these conditions, the permittee may also be subject to permit cancellation, inspection fees, fines, and loss of deposit and bond.

- H. All excavations will be required to settle and/or consolidate for a period of time before the contract representative of the Town of Tewksbury is directed to perform a permanent repair. This term will be defined as a minimum of thirty (30) days when Controlled Density Fill or Flowable Fill is used as a backfill material. Compacted gravel subbase must experience at least one (1) seasonal freeze/thaw cycle. The Department of Public Works reserves the right to address any subbase deficiency within, or adjacent to, the original excavated area with whatever measure deemed effective during this period. These corrective procedures will be the financial responsibility of the permittee.
- I. Immediately after the specified settling and/or consolidation period, all excavations shall be permanently restored by the Town of Tewksbury contract representative in accordance with the technical specifications of the Department of Public Works. The following procedures shall be strictly adhered to:
 - a. The infrared process shall be used as the primary method of permanent restoration in bituminous concrete surfaces of less than 10 years old.
 - b. Temporary asphalt patches installed in cement concrete surfaces shall be reexcavated to the extremities of the square(s) in which the excavation is contained. The finished concrete shall be replaced to the depth, strength, and contour of the original structure. Any concrete surface damaged during construction shall also be replaced in a like manner.
 - c. All other surfaces, including but not limited to asphalt, brick, grass, and wood, shall be replaced in a manner consistent with the original and in strict accordance with Massachusetts Department of Public Works specifications.

The permittee shall also be responsible for any and all necessary appurtenant measures, including but not limited to complete surface reconstruction, curbing, resetting utility structures, "bar holes," compatible crack-filling, tack-coating, and infrared thermal integration of the pavement. All processes required shall be determined by a site inspection with an authorized representative of the Department of Public Works. All restoration procedures shall be the financial obligation of the permittee.

- J. The permittee shall be responsible for any settlement, subbase failure, and/or pavement cracks that develop in or adjacent to the original excavated area for a period of three (3) years from the date of the final accepted permanent repair, or, if Controlled Density Fill is used, for a period of one (1) year from the date of the final accepted permanent repair. Any surface disorder caused by settlement and/or subbase movement within the general area containing a street or sidewalk opening shall be addressed by the Town of Tewksbury contract representative, at the direction of the Department of Public Works. All related corrective measures will be charged to the permittee, and the term of obligation will begin again.

- K. Persons who cause excavations to be opened without the permit required herein shall be subject to a \$ 3,000.00 fine and penalties as provided by this regulation and/or other applicable laws, including the revocation of existing permits and/or refusal of future permits.
- L. If police protection is required during surface restorations, as outlined in Items 3F and 3I of this section, the permittee shall secure and pay for these services directly. When the Town of Tewksbury contract representative is required to employ and handle police protection, the permittee will be billed for these services at cost plus 15% administrative fees.
- M. All surface restorations, bituminous concrete replacement, and permanent repairs will be done by a contract representative in accordance with technical specifications of the Town of Tewksbury and billed directly to the permittee.

4. Billing and Collections

- A. The Town of Tewksbury shall bill the permittee for the aforementioned services. All invoices must be paid within 30 days. On past due invoices, a service charge of 1.5% per month will be added to accounts 30 days past due, provided that such rate does not exceed what is permitted by law. In such an instance, the highest allowable legal rate will apply. Outstanding invoices exceeding ninety (90) days shall be paid by the Town of Tewksbury. In the event of such payment, the refundable deposit will be applied to such payment for services rendered by the Town of Tewksbury contract representative. All bonds will be attached and the Town of Tewksbury will initiate fines in the amount of \$ 100.00 per day and continue to accrue interest at maximum rate permitted by law on uncollected monies together with all costs of collection, including reasonable attorney's fees.
On invoices ninety (90) days past due, the Town of Tewksbury will revoke existing and future permits until payment of such invoices, including all interest, fines, and penalties, is made.
If the account is found to be uncollectible, the Town of Tewksbury shall institute a lien upon such real estate owned by the permittee and/or the excavator, in the manner provided in M.G.L. Chapter 40, Section 42A to 42F.
- B. The Town of Tewksbury reserves the right to assume the billing function, including assessment and conveyance of reasonable handling charges, as provided by Massachusetts General Laws.

5. Administration/Interpretation

- A. The permittee and excavator are both, individually and severally, responsible for all actions taken under the above regulation and associated permit system. If the permit application is signed by only one of these parties, that party accepts full responsibility and liability for both parties, but in no way limits the right of the Town of Tewksbury to enter into litigation enjoining both parties.
- B. The Department of Public Works reserves the right to:

- a. establish technical specifications.
 - b. determine and select the most advantageous proposal for the surface restoration services rendered by this regulation.
 - c. enter into a contract of a duration which best serves the Town of Tewksbury.
- C. The Town of Tewksbury Department of Public Works, acting through the Town Manager may from time to time make changes or exceptions to this regulation, and retains sole jurisdiction in its interpretation and administration.
- D. The permittee is subject to the public safety laws and rules and regulations under the jurisdiction of the Police and Fire Chiefs of the Town of Tewksbury.

PROCESS for STREET and SIDEWALK OPENING PERMIT

Applicant must read and comply with the attached regulations. This cover page is only a brief outline and not intended to supplement the regulations.

The Street and Sidewalk Opening Permit is used for a utility cut into a roadway, sidewalk or Town Right-of-Way.

Before submitting the permit for approval, an appointment with the D.P.W. Water Division. (new water service) should already be set up, thereby filling in the Starting and Completion dates on the permit form.

When submitting the permit, include two (2) checks a) \$ 100.00 - application fee and \$50.00 inspection fee. b) \$1,000.00 – refundable security deposit, payable to the Town of Tewksbury, a License and Permit Bond (\$5,000.00) and a Certificate of General Liability Insurance (\$ 1,000,000.00 per accident, \$2,000,000.00 general aggregate) per permit.

Also, digsafe number, starting and completion dates. Make sure that a sketch is shown and a signature on the back of the permit.

After submitting the permit with all information and attachments required, the permit is then given to the Department of Public Works designee who will approve or deny the permit.

After the Department of Public Works designee has reviewed the permit, the applicant will be notified by telephone, if the permit is approved or denied.

You must notify the Department of Public Works twenty-four (24) hours in advance of the excavation starting date.

The \$ 100.00 application fee and \$50.00 inspection fees are not refundable.

Tewksbury's paving contractor will always be used for the patch work of the opening. When high density or flowable fill (concrete product) is used for the backfill, the remaining balance of the \$1,000.00 refundable deposit will be returned after 90 days. If the amount for the utility cut pavement repair totals more than the \$1,000.00 deposit, then the applicant will be invoiced for the balance. If the excavated material is used as the back-fill, then one freeze and thaw season must pass and the patch must be successful before the refundable deposit can be returned, less the Town's paving contractor's charge.

- ❖ If cable is being installed, then Comcast will apply for the permit.
- ❖ If natural gas is being installed, then Keyspan will apply for the permit.
- ❖ If underground electric lines are being installed, then Massachusetts Electric will apply for the permit.

- ❖ If a road has been resurfaced within the last five (5) years, a permit will not be approved for routine installations.

Permits for routine installations are issued only between April 1st and November 15th.