



CITY OF CHARLESTON
WEST VIRGINIA

**Public Rights-of-Way
& Restoration Ordinance**

(Bill No. 7086, Adopted by City Council August 1, 2005)

FINAL DRAFT
Revised to 7/18/05

EXCAVATION IN PUBLIC RIGHTS-OF-WAY

FORWARD

- The City of Charleston encourages the coordination of Public Utility Excavations in the Public Rights-of-Way in order to minimize the disruption of traffic flow, limit inconvenience to residents, businesses, and visitors, and provide for the public safety, health and welfare.
- This Ordinance sets forth a comprehensive permit process to regulate Excavations and restorations in the Public Rights-of-Way.
- The Excavation permitting process minimizes the impact of construction on residents and businesses by enforcing cleanliness and safety standards for construction sites, imposing strict timelines for construction in Public Rights-of-Way, and requiring a durable restoration of the rights-of-way with a uniform visual appearance.
- The rights-of-way permitting process allows the City to enforce violations of this policy through the imposition of civil or administrative penalties.
- This Ordinance details a process for reviewing, denying, approving and conditionally approving permits.
- This Ordinance will enhance public awareness by requiring that public and municipal utilities, and their Subcontractors, post notice to area residents and businesses of which utility or Permittee is performing an Excavation, thereby accepting the responsibility for the quality and performance of the Excavation.
- This Ordinance provides for the establishment of regulations for the control of Excavation sites that includes protection of trenches and excavated material, prompt removal of unsuitable excavated materials, and procedures for the treatment and remediation of hazardous materials. It also requires that Public Utility Facilities that are visible in the Public Rights-of-Way be marked with the Owner's identity.
- Prompt restoration of the Public Rights-of-Way is an essential element of this policy and will be enforced.
- In an effort to minimize disruption caused by construction in the Public Rights-of-Way, all Excavation within the Public Rights-of-Way shall be coordinated through the City's Public Rights-of-Way Permit Office located at 501 Virginia St. E., Charleston, WV 25301 (Telephone No. 304-348-6833). This office will be responsible for permitting and coordinating Excavations and Public Utility Excavations in conjunction with the City Engineer's Office.

1. GENERAL PROVISIONS.

1.1 EXCAVATION IN THE PUBLIC RIGHTS-OF-WAY.

This section governs Excavation in the Public Rights-of-Way within the City under the jurisdiction and control of the City Engineer. The City Engineer's Office shall be the responsible City of Charleston agency for managing the Public Rights-of-Way.

1.2 PERMITS REQUIRED FOR EXAVATIONS IN CITY RIGHTS-OF-WAY

- (a) In accordance with Charleston City Code, it is unlawful for any Person to make any Excavation in any of the Public Rights-of-Way without first obtaining from the City a permit authorizing such Excavation.
- (b) No Excavation permit will be issued to any Applicant who lacks the legal authority to occupy and use the Public Rights-of-Way for the purposes identified in the Application for the permit.
- (c) Applicants conducting residential and commercial building construction projects will be issued permission to construct accesses to the property across city rights-of-way by the City's Building Department as part of the Building Permit process.

1.3 ORDINANCES AND REGULATIONS.

In addition to the requirements set forth in this ordinance, the City may adopt such additional ordinances, regulations, or policies, as it deems necessary to preserve and maintain the public health, safety, welfare, and convenience. Each Excavation in Public Rights-of-Way pursuant to this Ordinance shall also be performed in accordance with:

- (a) The applicable sections of Chapter 102 (Streets, Sidewalks and Other Public Places) of the Charleston City Code.
- (b) The applicable sections of Section 114 of the Charleston City Code (Traffic Ordinance).
- (c) The applicable sections of the City of Charleston, Building Department, Administrative Manual, as revised March 1, 2004 by Charleston City Council.

- (d) The latest edition and applicable sections of the West Virginia, Department of Transportation, Specifications for Roads and Bridges.
- (e) The latest edition of the Manual for Traffic Control Street and Highway Construction and Maintenance Operations, West Virginia Department of Transportation, Division of Highways.
- (f) The latest edition of the Accommodation of Utilities on Highway Right of Way and Adjustment and Relocation of Utility Facilities on Highway Projects, West Virginia Department of Transportation.
- (g) The applicable sections of the City of Charleston Tree Ordinance.

1.4 DEFINITIONS.

For purpose of this policy, the following terms shall have the following meanings:

- (a) **"Applicant"** means any Owner, Person, or business, who has submitted an Application for a permit to excavate.
- (b) **"Application"** means the form prescribed by the Ordinance along with any subsequent changes made to the format after the date of the adoption of this Ordinance outlining the scope of work requested by the Applicant.
- (c) **"Block"** means that part of the Public Right-of-Way that includes the street area from the property line to the parallel and/or opposite property line in width and extending from the centerline of an intersecting street to the nearest property line or to the centerline of the next intersecting street in length.
- (d) **"Certified Telecommunications Provider"** means a Person who has been issued a certificate of convenience and necessity, certificate of operating authority, or service provider certificate of operating authority by the West Virginia Public Service Commission to offer local service.
- (e) **"City"** means the City of Charleston.

- (f) **"Conduit"** means a single enclosed raceway for cables, fiber optics, or other wires but does not include the maintenance duct associated with a Conduit that is reserved for use in replacing damaged cable or for rerouting purposes.
- (g) **"Deposit"** means any bond, cash deposit, or other security provided by the Applicant in accordance with his or her permit.
- (h) **"Emergency"** means any Excavation in Public Rights-of-Way required to preserve life or prevent serious damage to property or restore critical public services when such necessity arises at a time when it is impossible or impractical to secure a permit prior to commencing Excavation.
- (i) **"Excavation"** means any work in the surface or subsurface of the Public Rights-of-Way, including, but not limited to the following: opening the Public Rights-of-Way; installing, servicing, repairing or modifying any Facility; and restoring the surface and subsurface of the Public Rights-of-Way. Excavation shall not include activities in Public Rights-of-Way wherein the surface and subsurface are not disturbed and wherein such activities take place through existing manholes, Conduits and other such facilities.
- (j) **"Facility" or "Facilities"** shall include, but not be limited to, any and all lines, poles, cables, cabinets, ducts, Conduits, converters, equipment, drains, handholds, manholes, pipes, pedestals, splice boxes, surface location markers, tracks, tunnels, utilities, vaults and other appurtenances or tangible things owned, leased, operated, or licensed by a Person or company, that are located or are proposed to be located under, on, or above ground within the Public Rights-of-Way.
- (k) **"Major Project"** means any reasonably foreseeable Excavation that will interfere with the public's use and enjoyment of the Public Rights-of-Way for more than 15 consecutive calendar days.

- (l) **"Municipal Utility"** means any agency, board, commission, or department of the City that owns, installs, or maintains any Facility or facilities located in the Public Rights-of-Way.
- (m) **"Owner"** means any Person, including the City, who owns any Facility or facilities that are or are proposed to be installed or maintained in the Public Rights-of-Way.
- (n) **"Permit"** means the approved permission to proceed with the scope of work outlined on the Application along with any revisions to the scope of work as outlined and approved by the City Engineer.
- (o) **"Permittee"** means the Applicant to whom a permit to excavate or otherwise work in the Public Rights-of-Way has been granted by the City Engineer. In the case where the Permittee is a licensed contractor rather than the Facility Owner, the Permittee must show written authorization from the Facility Owner to act in their behalf.
- (p) **"Person"** means any individual, firm, Owner, sole proprietorship, partnership, corporation, unincorporated association, governmental body, Certified Telecommunications Provider, registered with the State of West Virginia, Federal Government, Municipal Corporation, executor, administrator, trustee, guardian, agent, occupant, or other legal entity.
- (q) **"Public Utility"** means any Person or Owner whose Facility or facilities in the Public Rights-of-Way are used to provide electricity, natural gas, information services, sewer services, steam, water, telecommunications, transit service, cable television, video, or other services to customers regardless of whether such Person or Owner is deemed a public service corporation by the West Virginia Public Service Commission (PSC).
- (r) **"Public Rights-of-Way"** means the area across, along, beneath, in, on, over, under, upon, and within the control of the City to which the City holds the property rights including but not limited to public alleys, boulevards, courts, lanes, roads, sidewalk, spaces,

streets, and ways which are or will be under the permitting jurisdiction of the City Engineer.

- (s) **"Subcontractor"** means any contractor employed by the Permittee to perform any portion of the Excavation permitted. Subcontractors must be duly licensed by the State of West Virginia and the City of Charleston prior to doing any work in the City.

2. APPLICATIONS FOR PERMITS TO PERFORM AN EXCAVATION.

2.1 APPLICATIONS.

An original and two (2) copies of an Application shall be submitted in a format and manner specified by the City Engineer (See Attachment 1) and shall contain:

- (a) The name, address, telephone, and facsimile number of the Applicant. When an Applicant is not the Owner of the Facility to be installed, maintained, or repaired in the Public Rights-of-Way, the Application shall also include the name, address, telephone, and facsimile number of the Owner.
- (b) A copy of the franchise, easement, encroachment agreement, or other legal instrument that authorizes the Applicant, Permittee or Owner to use or occupy the Public Rights-of-Way for the purpose described in the Application unless regulated by the Public Service Commission pursuant to Chapter 24 of West Virginia State Code. When the Applicant is not the Owner of the Facility or Facilities to be installed, maintained, or repaired in the Public Rights-of-Way, the Applicant must demonstrate, in a form and manner specified by the City Engineer, that the Applicant is authorized to act on behalf of the Owner. A master copy of this authorization to use or occupy Public Rights-of-Way can be deposited with the City in lieu of providing a new document with each Application. The requirements of this Subsection do not apply to a Public Utility that is regulated by the West Virginia Public Service Commission and obligated by the Commission to provide utility service to customers in the City.

- (c) When the Excavation site encompasses both State of West Virginia and City of Charleston Public Rights-of-Way, a copy of any applicable State rights-of-way Excavation permits shall accompany the Application for the City permit. Any provision of this article which may be incompatible or in conflict with state law shall not be applicable as to streets which are part of the state highway system.
- (d) A description of the location, purpose, method of Excavation, and surface and subsurface area of the proposed Excavation.
- (e) A sketch showing the proposed location, dimensions of the Excavation, the nearest cross street, the right-of-way property line, a North arrow, other underground or overhead facilities in the vicinity of the proposed Excavation, cross sections and/or profiles with a clear legend explaining all plan details, and the facilities to be installed, maintained, or repaired in connection with the Excavation, and any other details as the City Engineer may require as an addendum to the Permittee's Facility Plans of Record if required by a franchise agreement.
- (f) The proposed start date of Excavation.
- (g) The proposed duration of the Excavation, including the duration of the restoration of the Public Rights-of-Way physically disturbed by the Excavation.
- (h) A detailed traffic control plan needed to accomplish the Excavation.
- (i) For proposed attachments to poles and bridges a detailed site plan and specifications with the permit Application for approval by the City Engineer is also required.
- (j) The Miss Utility of West Virginia confirmation number.
- (k) Details regarding the location(s) of any public tree(s) likely to be disturbed.
- (l) The signature of the authorized Applicant acknowledging the terms and conditions of the policy and permit Application.
- (m) Applicable permit fee(s) by bank draft made payable to the City of Charleston. Alternatively, the Permittee may request that an account be established with the City. If the

account request is approved, the Permittee will be invoiced regularly for permits issued and payment shall be made to the city within 30 days of the receipt of the invoice.

- (n) Any other information that may be reasonably required by the City Engineer.

2.2 INSURANCE

The Permittee shall obtain insurance of the types and in the amounts described below. The insurance shall be written through insurance companies with an A.M. Bests Financial Rating of not less than A- and shall be written on forms acceptable to the City of Charleston.

(a) Commercial General Liability Insurance and Umbrella Liability Insurance

Permittee shall maintain commercial general liability (CGL) with a limit of not less than \$1,000,000 each occurrence. Permittee shall also maintain umbrella liability insurance with a limit of not less than \$1,000,000 each occurrence.

- 1) CGL insurance shall be written on ISO occurrence form CG 00 01 10 93 (or a substitute form providing equivalent coverage) and shall cover liability arising from premises, operations, independent contractors, products-completed operations, and personal injury and advertising injury.
- 2) The City of Charleston and its agents, officers, directors and employees, shall be included as an additional insured under the CGL, using ISO Additional Insured Endorsement CG 20 10 11 85 or a substitute providing equivalent coverage, and shall also be included as an additional insured under the umbrella liability policy. This insurance shall apply as primary insurance with respect to any other insurance or self-insurance programs afforded to, or maintained by the City of Charleston, with respect to Permittee's operations. If any applicable insurance coverage is subject to a deductible, the Permittee shall be responsible for such deductible(s).
- 3) There shall be no endorsement or modification of the CGL limiting the scope of coverage for liability arising from explosion, collapse, or underground property damage.

- 4) Waiver of Subrogation. Permittee waives all rights against the City of Charleston and its agents, officers, directors and employees for recovery of damages to the extent these damages are covered by the insurance maintained pursuant to this section.
- 5) The Permittee shall require all Subcontractors to secure and maintain CGL insurance coverage of similar type and scope as required by Permittee as stated herein.

(b) Business Auto

Permittee shall maintain business auto liability insurance with a limit of not less than \$1,000,000 each accident.

- 1) Such insurance shall cover liability arising out of any auto (including owned, hired and non-owned autos).
- 2) Business auto coverage shall be written on ISO form CA 00 01, CA00 05, CA 00 12, CA 00 20, or a substitute form providing equivalent liability coverage.
- 3) Waiver of Subrogation. Permittee waives all rights against Owner and its agents, officers, directors and employees for recovery of damages to the extent these damages are covered by the business auto liability or insurance obtained by Permittee pursuant to this section or pursuant to any applicable auto physical damage coverage.

(c) Workers Compensation Insurance

Permittee shall maintain workers compensation and employers liability insurance.

- 1) The employers liability limits shall not be less than \$1,000,000 each accident for bodily injury by accident or \$1,000,000 each employee for bodily injury by disease.

(d) Professional Errors and Omissions Liability Insurance

If Permittee's work or processes include design work related in any way to the permitted Excavation, Professional Errors and Omissions Liability Insurance shall be required with a limit of not less than \$1,000,000 each occurrence.

- 1) The City of Charleston and its agents, officers, directors and employees, shall be included as an insured under the policy. This insurance shall apply as primary

insurance with respect to any other insurance or self-insurance programs afforded to, or maintained by the City of Charleston, with respect to Permittee's operations. If any applicable insurance coverage is subject to a deductible, the Permittee shall be responsible for such deductible(s).

- 2) Waiver of Subrogation. Permittee waives all rights against the City of Charleston and its agents, officers, directors and employees for recovery of damages to the extent these damages are covered by the insurance maintained pursuant to this section.

(e) Evidence of Insurance

Prior to commencing the Work, Permittee shall furnish the City of Charleston with a certificate(s) of insurance, executed by a duly authorized representative of each insurer, setting out compliance with the insurance requirements set forth above.

- 1) All certificates shall provide for 30 days written notice to the City of Charleston prior to the cancellation of any insurance referred to therein.
- 2) The words "endeavor to" and "but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives" shall be deleted from the cancellation provision of all certificates provided by Permittee.
- 3) Acceptance of any insurance certificate provided to the City of Charleston pursuant to section 2.2 shall not constitute a waiver of the right of the City of Charleston to enforce any provision or requirement imposed on Permittees under section 2.2.

2.3 GUARANTEE FEES; IRREVOCABLE LETTER OF CREDIT; SURETY BOND.

A guarantee fee (a), an irrevocable letter of credit (b), or a surety bond or performance bond (c) shall be required on all permits issued.

- (a) Guarantee fees - A guarantee fee is a cash amount paid by the Permittee in advance of permit issuance to cover the performance of Excavation within the Public Rights-

of-Way. When Excavation covered by the Permittee is completed to the satisfaction of the City Engineer, the guarantee fee is refunded in its entirety to the Permittee. The guarantee fee may be paid by Personal check, cashier check, certified check, or money order. Should the Permittee fail to complete the Excavation to the satisfaction of the City Engineer, then all or whatever portion of the guarantee fee that is required to complete work covered by permit or restore the Public Rights-of-Way to its original condition shall be retained by the City of Charleston. Refunds of guarantee fees are processed by the City of Charleston upon notification by the City Engineer that the Excavation has been completed. Normally, six to eight weeks should be allowed for return of the guarantee fee once notice has been received by the Rights-of-Way Permit Office.

- (b) Irrevocable letter of credit - An irrevocable letter of credit may be used in lieu of a guarantee fee or performance bond. This letter of credit is furnished by a bank and is used to verify a line of credit that will be set aside to provide for coverage of work performed by the Permittee or his agent in accordance with the approved permit. The City shall have the right to withdraw funds from the irrevocable letter of credit for the Permittee's failure to complete the Excavation in the Public Rights-of-Way, including restoration, in an amount up to the City's actual costs, including overhead costs. If an irrevocable letter of credit is used by the Permittee, the irrevocable letter of credit shall be of a type and form issued or approved by the City of Charleston.
- (c) Continuing bonds and performance bonds - All bonds shall identify the work for which the bond is issued and define what type of work the bond covers, the specific location of the Excavation and whether it is a continuous bond or a performance bond. If a bond is used by the Permittee, the bond shall be of a type and form issued or approved by the City of Charleston.

- 1) Continuing bonds - Required on all permits covering installations within the Public Rights-of-Way that are of a continuous nature. Unless otherwise specified by the City Engineer, the amount of the continuing bond shall be \$10,000.00 for public and private utilities, communications providers, or other entities regularly performing work in the City, covering the amount the City Engineer determines necessary to complete or restore the Excavation should the Permittee fail to complete it. The purpose of this type of bond is to ensure proper performance of the Excavation restoration, maintenance of the installation; to ensure the removal or relocation of the installations when deemed necessary for the safety of the traveling public; and to ensure improvements or reconstruction of the Public Rights-of- Way. The bond shall remain in full force as long as the work covered under the permit remains within the Public Rights-of-Way. Any continuing bond forfeited due to non-compliance or non-performance of any provision of this Ordinance must be replaced by a new continuing bond in a like amount prior to the issuance of any further permits to the Permittee.
- 2) Performance bond – Required for the actual performance of the work covered by the permit as required by the City Engineer. The estimated amount of the bond is the amount the City Engineer anticipates it will take the City, or the City's Subcontractor, to complete or restore the Excavation should the Permittee fail to do so. Once the Excavation has been completed to the satisfaction of the City Engineer, the performance bond will be released. Responsibility for the Excavation covered by the permit shall not be eliminated until such time as a completion notice has been released by the City Engineer, and coverage under the performance bond shall remain in effect until the bond has been cancelled by the Rights-of-Way Permit Office.

2.4 SPECIAL RIGHTS- OF-WAY PERMIT - STREET OR SIDEWALK CLOSURES.

All work, other than Excavation, in the Public Rights-of-Way, requiring closure or preventing access to any pavement, driveway entrance, sidewalk, or blocks any lane of traffic, requires a special rights-of-way permit issued by the Chief of Police and approved by the Traffic Engineer as outlined in Charleston City Code, Chapter 114, Section 54.

2.5 COORDINATION OF EXCAVATION.

Municipal and/or Public Utilities are requested to submit a long-range plan of proposed Excavations in Public Rights-of-Way so that Major Projects in the same Block planned within a three (3) year period can be coordinated to the maximum amount possible. This practice will result in savings to infrastructure and permit costs for providers and minimizes the total length of construction disturbances on Public Rights-of-Way. Applicants may apply jointly for permits to excavate in the Public Rights-of-Way at the same time and place thereby minimizing permit and restoration costs. In addition, planned Excavations in Public Rights-of-Way on any pavement less than three (3) years old for the purpose of a main extension or replacement shall require full overlay of the pavement lane in order to return the pavement to a minimum of the condition existing prior to the Excavation.

Utility Coordination Meeting: The City will host utility coordination meetings at least one (1) time per year. The purpose of the meeting is for the City to inform agencies and public infrastructure contractors of proposed and current capital improvement projects in the City and also for the agencies and public infrastructure contractors to inform each other and the City of current and future projects. Each agency and public infrastructure contractor shall designate a specific representative for the City of Charleston to contact and make reasonable efforts to attend and participate in the meetings of the City when notified of the time and date.

3. PERMITS TO PERFORM EXCAVATION

3.1 ACTION ON APPLICATIONS FOR PERMITS TO EXCAVATE.

- (a) After receipt of an Application for an Excavation permit, Personnel in the Rights-of-Way Permit Office, within five (5) business days, shall determine whether an Application has been properly completed.
- (b) If the Application is deemed to be incomplete, the City Engineer or his or her designated representative will advise the Applicant of the reasons for rejecting the Application as incomplete.
- (c) If the Application is deemed to be complete, the City Engineer, or his or her authorized representative, may deny, approve, or conditionally approve the Application within fifteen (15) calendar days.
 - 1) If the Application is approved or conditionally approved, the permit will be issued by the Rights-of-Way Permit Office. The permit may be conditioned with specified requirements that preserve and maintain the public health, safety, welfare, and convenience.
 - 2) If the Application is denied, the City Engineer or his or her designated representative shall advise the Applicant in a written, electronic, or facsimile communication of the basis for denial. Permits may be denied for, but not limited to, any one or more of the following reasons:
 - a) The proposed activity will substantially interfere with vehicular or pedestrian traffic and no approved procedures have been implemented to minimize the interference.
 - b) The proposed construction will substantially interfere with another activity for which a permit has been issued or will conflict with existing Facilities already in the Public Rights-of-Way.
 - c) The proposed barricading, channelizing, signing, warning, or other traffic control procedures or equipment do not comply with the requirements of the WV DOT Traffic Control Regulations.

- d) The activity or the manner in which the Excavation is to be performed will violate a city ordinance or regulation or a state or federal statute or regulation.
- e) The Applicant has not presented insurance and bonding as required by this ordinance.
- f) The Applicant has consistently failed in the past to perform in accordance with the requirements of this Ordinance and has failed to give adequate assurances of future compliance.
- g) The Applicant has failed to present all the information required by this Ordinance or to file the Application within the time prescribed by this Ordinance.
- h) The Applicant has misrepresented or falsified information in the Application.
- i) The Applicant has outstanding debts to the City.
- j) The Applicant is not in compliance with the applicable requirements of an existing permit issued under this Ordinance.
- k) The Applicant has requested to excavate a city Public Rights-of-Way that, in the opinion of the City Engineer, should be crossed by jacking, boring, or tunneling to better serve the interests of the public.
- l) There is a lack of available space in the public right-of-way at the requested location to accommodate the Applicant's request.

3.2 TERMS AND LIMITATIONS.

The permit shall specify the location, extent, and method of the Excavation, the start date and duration of the Excavation, the Permittee to whom the permit is issued, and any conditions placed on the permit.

3.3 EXPIRATION OF PERMIT.

Permits shall be void if the Excavation as specified in the permit has not started within thirty (30) calendar days of the start date specified in the permit. If the Excavation, including restoration, has not been completed within the time specified in the permit, the City Engineer may cause a "Stop Work Order," to be issued and/or withhold future permits or cause such Excavation to be completed by other contractors at the Permittee's sole expense; provided, however, that the City Engineer may issue extensions to the start date, or time of completion, or both, upon written request from the Permittee stating the reasons for the extension.

3.4 NON-TRANSFERABILITY OF PERMITS.

Permits are not transferable.

3.5 EMERGENCY EXCAVATIONS.

Nothing contained in this Ordinance shall be construed to prevent any Person from taking any action necessary to preserve life or prevent serious damage to property when such necessity arises when prior approval of a permit is impossible to secure. An emergency would exist anytime the public services of a group of individuals was interrupted; when the safety of the public is endangered by a damaged utility such as a ruptured gas line or when there is a possibility that damage might occur to public or private property unless immediate corrective action is taken. Then, at the applicant's sole risk and responsibility, repair the damaged facilities. Appropriate safety methods and devices must be used to give adequate warning and protection to Persons and property. In the event that any Person takes any action to excavate or cause to be excavated the Public Rights-of-Way pursuant to this section, such Person shall apply for an Emergency permit immediately upon the opening of City offices by the usual permit Application process. The Applicant for an emergency permit shall attach a written statement of the basis of the emergency

action and describe the Excavation performed and any Excavation remaining to be performed. Permit Applications for main replacements and conduit for communications lines will not be granted emergency status. Street restoration requirements and maintenance of traffic regulations will not be changed due to the emergency nature of the Excavation.

3.6 LIABILITY UPON PERMITTEE AND INDEMNIFICATION OF CITY.

Each Permittee and Facility Owner is wholly responsible for the quality of the Excavation performed in the Public Rights-of-Way and is liable for all consequences of any condition of such Excavation and any facilities installed in the Public Rights-of-Way. Further, as a condition of the issuance of a Permit, Permittee agrees and binds himself or herself to indemnify, defend, and keep and hold the City, its officers, agents, and employees free and harmless from any and all claims, causes of action, damages or any liability, without limit and without regard to the cause or causes thereof, related in any way to any injury or damage of any type to any Persons or property arising out of, or directly or indirectly resulting from, any act or omission of Permittee, related in any way to: (a) any Excavation, service or other related activity performed by Permittee; (b) Permittee's use of the public ways or other areas of the City; (c) the acquisition, construction, reconstruction, erection, installation, operation, maintenance, repair or extension of Permittee's facilities; (d) the failure, refusal or neglect of Permittee to perform any duty imposed upon or assumed by Permittee by or under their Permit. In the event that any suit or proceeding shall be brought against the City at law or in equity, whether asserted by Permittee or any third party, Permittee, upon notice given to it by the City, will defend the City in any such action or other proceeding at the cost of the Permittee, and Permittee shall pay any and all judgments, settlements, awards, expenses and costs of any type, including, but not limited to, fees and charges of engineers, architects, attorneys, and other professionals and all court, arbitration or other dispute resolution costs, and shall hold the City, its officers, agents, and employees free and harmless there from. The issuance of any permit, inspection, repair, or suggestion, approval or

acquiescence of any Person affiliated with the City of Charleston shall not excuse the Permittee from such responsibility or liability.

3.7 PERMIT TO BE AVAILABLE AT EXCAVATION SITE.

Permittees must have the permit or a photo duplicate available for review at the site of the Excavation for the duration of the Excavation that shall be shown, upon request, to any police officer, inspector, or any other employee of a City agency or department with jurisdictional responsibility over activities in the Public Rights-of-Way. Failure to have a valid copy, or failure to produce a valid permit upon request, may cause a "Stop Work Order" to be issued and additional permit fees to be incurred. All additional costs incurred, as result of the issuance of a "Stop Work Order," shall be the Permittee's responsibility.

3.8 FEES AND DEPOSITS.

Permittee shall remit to the City the applicable fees and deposits as required by the applicable sections of the City of Charleston City Code, this Ordinance and the City of Charleston, Building Department Administrative Manual, as revised and re-enacted by City Council. Contact the Rights-of-Way Permit Office for current permit fee(s) and other information.

4. EXCAVATIONS.

4.1 NOTICES.

Any Permittee who makes an Excavation in the Public Rights-of-Way shall provide notice as follows:

- (a) **Excavation location notice to City required:** At least twenty-four (24) hours prior to the commencement of Excavation, the Permittee shall fax or deliver a Excavation location(s) sheet (See Attachment 2) to the Rights-of-Way Permit Office (Fax 304-348-6836) and the Rights-of- Way Inspector at (Fax 304-348-8044). Failure to fax or deliver the Excavation location(s) sheet within the prescribed time may result in the issuance of a "Stop Work Order" authorized by the City Engineer. Any additional

costs incurred, as a result of the issuance of a "Stop Work Order," shall be the Permittee's responsibility.

- (b) **Public Notice for Projects:** The Permittee shall post and maintain notice at the site of the Excavation at least twenty-four (24) hours prior to commencement of the Excavation on projects anticipated to close a public right-of-way for more than 24 consecutive hours. The notice shall include the name, address, and 24-hour telephone number of the Owner or Permittee or a Person who will be available to provide information to and receive complaints from any member of the public concerning the Excavation and shall be of a sufficient size to be readily visible to the traveling public. Said Excavation project signs shall be in format, quantity, and size specified by the City Traffic Engineer.
- (c) **Notice for Emergency Excavation.** For Emergencies, the Permittee, or the Applicant if a permit has not yet been issued, shall post and maintain a notice at the site of the Excavation during the construction period. The notice shall include the name, telephone number, and address of the Owner and Permittee or Applicant. The Permittee or Applicant shall also notify, as soon as possible, the City of Charleston, Rights-of-Way Inspector at 348-8106, or if after normal business hours, the Charleston Street Department non-emergency number (304-348-6850) and advise of the Emergency and any potential impacts on traffic flow or pedestrian safety. The Permittee shall then apply for a permit within twenty-four (24) hours after City offices open in the regular manner.
- (d) **Notice for Marking of Subsurface Facilities.** Any Person excavating within the Public Rights-of-Way shall comply with the requirements of Miss Utility One-Call notification (1-800-245-4848). Notify all agencies and/or utilities including, but not limited to:

Sanitary Board City of Charleston (Tel - 304-348-6875 or Fax 304-347-1808)

City Engineer (Storm Sewers) (Tel - 304-348-8106 or Fax 304-348-8044)
Traffic Engineer (Traffic loops) (Tel - 304-348-6872 or Fax 304-348-1093)
American Electric Power (Tel - 304-746-2766 or Fax 304-746-2753)
West Virginia-American Water Co.(Tel - 304-340-2970 or Fax 304-340-2967)
Allegheny Power (Gas) (Tel - 304-347-0573 or Fax 304-340-9315).

4.2 LIMITS UPON EXCAVATION IN THE PUBLIC RIGHTS-OF-WAY.

- (a) Scope. It is unlawful for any Permittee to make, to cause, or permit to be made, any Excavation in the Public Rights-of-Way outside the boundaries, times, and description set forth in the permit.
- (b) Single Excavation maximum of 500 feet. No single Excavation site shall be longer than 500 feet in length at any time except with the prior written approval of the City Engineer.
- (c) No Excavation will be permitted (except for Emergency s) on certain streets during special City events, or other events so designated by the City.

4.3 REGULATIONS CONCERNING EXCAVATION SITES.

Each Owner and Permittee shall be subject to requirements for Excavation sites that are set forth herein and shall include, but not be limited to, the following measures:

- (a) Protection of the Excavation. The Excavation must be covered with properly designed and load rated steel plates ramped to the elevation of the contiguous street, pavement, or other Public Rights-of-Way, or otherwise protected in accordance with guidelines prescribed by the City Engineer. Steel plates must be secured to prevent lateral movement, ~~must be skid resistant~~, and must not deflect from traffic loads. Steel plates must extend at least one foot on all sides of the Excavation and must be firmly anchored.
- (b) Housekeeping and removal of excavated material. The area surrounding the Excavation shall be maintained clean and free of loose dirt or other debris in a

manner deemed satisfactory to the City Engineer. The Permittee shall remove unsuitable fill material from the site daily.

- (c) Hazardous material. Each Permittee shall be subject to hazardous material guidelines for data collection; disposal, handling, release, and treatment of hazardous material; site remediation; and worker safety and training. Each Permittee shall comply with all federal, state, and local laws regarding hazardous material. For purposes of this Subsection, hazardous material shall mean any ~~gas, material,~~ substance, or waste which, because of its quantity, concentration, or physical or chemical characteristics, is deemed by any federal, state, or local governmental authority to pose a present or potential hazard to human health or safety or to the environment.
- (d) Traffic Control. All traffic control devices and provisions around construction sites shall be installed and maintained in accordance with the West Virginia Department of Transportation, Division of Highways, Traffic Control Manual, subject to modification for specific locations by the City Traffic Engineer. The Permittee is responsible for the maintenance and condition of all signs and their appurtenances, 24 hours a day, seven (7) days a week. The traffic control plan shall be as approved by the Traffic Engineer prior to issuing a permit.
- (e) Erosion and Sediment Control. Erosion and sediment control around Excavation sites shall be in accordance with the current regulations of the West Virginia Department of Water Resources, NPDES and the Charleston City Code. Inlet protection shall be provided at curb inlets and catch basins. Under no circumstances shall material be allowed to enter the storm drain or combined storm drain/sanitary sewer system. Excess material/sediment shall be removed and hauled away. Street washing shall be allowed only after sediment is removed. Effluent from dewatering operations shall be filtered or passed through an approved sediment trapping device, or both, and discharged in a manner that does not adversely affect adjacent property.

Tree, shrub, or landscape protection and preservation requirements shall be in accordance with requirements of the City of Charleston, Tree Ordinance.

Job-site parking. No job-site parking on sidewalks or landscaping is permitted. Parked vehicles and equipment shall not restrict private property access nor hinder sight distances for traffic.

(f) Pedestrian Access. The Permittee must provide pedestrian access to abutting properties or the Public Rights-of-Way in a safe manner. Protective barricades, fencing, handrails and bridges, together with warning guidance devices and signs must be utilized so that the passageway for pedestrians is safe and well defined. Installation of a fixed pedestrian walkway of the fence-and-canopy type to protect and control pedestrians is also recommended where hazardous work conditions exist overhead. The walk area shall comply with OSHA standards, Local Building Codes, ADA Guidelines and any additional requirements set forth by the City Engineer and/or Traffic Engineer.

- 1) Walkways in construction areas shall be maintained at least three (3) feet in width and free from abrupt changes in grade. (Maximum allowable grade is 1" rise in 12" of run.) Obstructions within the walkway shall be illuminated during hours of darkness. Minimum vertical clearance to any obstruction within the walkway shall be at least seven feet.
- 2) Where sidewalks are closed or damaged by construction, an alternate walkway shall be provided. When necessary to divert pedestrians into the parking lane of a street, approved barricading or delineation shall be provided to separate the pedestrian walkway from the adjacent traffic lane. At no time shall pedestrians be diverted into a portion of the street used for vehicular traffic. This includes and prohibits the closure of a sidewalk at mid-block, unless a properly signed and marked temporary (mid-block) crosswalk has been provided.

- 3) At locations where alternate walkways cannot be provided, appropriate signs and barricades must be installed at the nearest crosswalk or intersection to divert pedestrians across the street. The Permittee must submit a special plan on the pedestrian route and signage for this type of closure.

4.4 EXCAVATION OUTSIDE THE PAVEMENT.

- (a) All Excavation areas outside the pavement shall be restored to their original condition immediately after Excavation completion. All pits/trenches remaining open overnight shall be barricaded or fenced on all sides to ensure pedestrian and motorist safety.
- (a) When the Excavation area is interrupted in excess of one week, temporary repairs (select fill to grade) must be made. No Excavation area outside of the pavement will be left in a disturbed condition over fifteen (15) days. When the Permittee is notified of a failure in the Excavation area (i.e. cave-in), the Permittee must respond and repair the Excavation area within 24 hours.
- (c) The City reserves the right to perform any and all required repairs, and warrant for the collection for all associated costs from the Permittee, where necessitated by emergency conditions.

4.5 QUALITY ASSURANCE/QUALITY CONTROL INSPECTION.

The inspection process is the primary method by which the City of Charleston seeks to protect the City's investment in its Public Rights-of-Way infrastructure. A uniform and responsive inspection process will ensure that the Excavation is completed in accordance with the standards for reconstruction and site restoration specified and referenced herein. The City Engineer's inspection effort will also ensure that the City's infrastructure attains its maximum useful life and utility restoration callbacks are minimized. The implementation of this program is not intended to create liability to the City for allegations of improper or negligent inspections. The Permittee bears the sole liability to third parties for any allegations of this nature.

- (a) The City's quality assurance efforts complement the Permittee's quality control efforts. Quality assurance begins with the site plan review process for Private and Municipal Utility projects. City Rights-of-Way Inspectors will perform inspections of permitted Excavation within the Public Rights-of-Way. The inspector serves as liaison with the Permittee to advise on construction standards and practices, and to coordinate activities between the City and other utility companies and to advise on the extent and scope of restoration.
- (b) Quality control is the responsibility of the Permittee. It is the Permittee's responsibility to be familiar with the applicable standards referenced herein and to employ qualified and licensed Subcontractors that will utilize these standards in the restoration of the Public Rights-of-Way. Permittees and their Subcontractors who fail to comply with these standards risk denial of permits for performing future Excavation in the Public Rights-of-Way.
- (c) Inspection of Excavation repairs in Public Rights-of-Way will be provided by the City Engineer's Office upon notification from the Permittee or their Subcontractors. It shall be the responsibility of the Permittee to provide safe access for the City Inspector to perform the required inspections. Requests for inspection shall be made in writing or by telephoning the City Rights-of-Way Inspector at 304-348-8106 (x 232) or fax at 304-348-8044. When requesting an inspection please reference the Right-of-Way permit number. On some projects, due to scope, location, or duration of the Excavation it will be necessary to notify the inspector at least twenty-four (24) hours in advance. This provision will usually be noted at the time the permit is issued.
- (d) The City's Rights-of-Way Inspector will be focused on restoration of the Public Rights-of-Way, backfill, compaction, hazard protection, repaving, and traffic control. Some inspections will be ongoing throughout the duration of a Permit, whereas other

inspections will be made only after completion of the Excavation. Factors to be considered for ongoing inspections include location of, duration of work, size of area being disturbed or other issues as determined by the City Engineer. The Rights-of-Way Inspector shall maintain a record of inspections performed in order to monitor the performance of restorations over the period covered by the continuing bond posted by the Permittee. Any restoration not in compliance with the standards set forth in this ordinance must be repaired when directed by the City Inspector.

- (e) When large scale projects exceed the ability of the City Inspection staff to provide inspection, the contractor or utility company may be required to engage a private inspection firm. This QAQC inspection firm will be mutually agreed upon by the Applicant and the City prior to the issuance of the permit.
- (f) Testing Frequencies: The number of density tests required may be increased or decreased if directed by the City Engineer or his or her authorized representative. The costs of any testing, as required, shall be the responsibility of the Subcontractor ~~and results faxed to the City as soon as possible.~~
 - a) Utility Mains – One test per 50 linear feet per lift.
 - b) Service Lines – One test per 6" lift.
 - c) Manholes, valve boxes, and Fire Hydrants – One test per 6" lift.
 - d) Native or Imported Backfill – A minimum of one (1) test for every one (1) vertical feet and every fifty (50) feet horizontally, or some fraction thereof with at least one (1) test.

5. RESTORATION STANDARDS / RESTORATION OF THE PUBLIC RIGHTS-OF-WAY.

Each Permittee who excavates or is responsible for an Excavation in the Public Rights-of-Way shall be responsible to maintain, repair, or restore the site of the Excavation to a condition acceptable to the City Engineer. All restoration shall result in a work site

condition that is at a minimum equal to or better than that which existed prior to construction. Complete restoration of all pavement surfaces disturbed must be complete no later than ten (10) working days from the date the pavement was first excavated, including final pavement finishes. Facilities subject to this policy shall comply with Ordinance:

Location. As a result of any restoration no facility be located so as to impede pedestrian or vehicular movement or interfere with sight lines. In no event shall any such Facility be located in the City rights-of-way between the curb or edge of pavement and the sidewalk without being underground and flush mounted.

5.1 PAVEMENT.

Excavations in Public Rights-of-Way on any pavement less than three (3) years old, for the purpose of a main extension or replacement, shall require full width overlay of the paving lane that is cut under the supervision of the City Rights-of-Way Inspector. Pavement restorations shall match the existing street cross section and pavement type. The limits of restoration required to any pavement type shall be dependent on the size and location of the Excavation. Any variance of the limits of restoration required is at the discretion of the City Rights-of-Way Inspector(s). In all cases the work site must be cleaned up each day.

1. Limits of Restoration:

(a) Asphalt Pavement:

- 1) Any Excavation, which transversely covers six feet (6') of a lane (eleven feet (11') typical), shall require the entire lane width to be milled and repaved.
- 2) Multiple hole cut Excavations that are located less than or equal to forty feet (40') from one another, longitudinally, and within the same traffic lane shall be restored as a single patch.

3) For any Excavation that disturbs more than 30% of an intersection, the City Engineer may require the restoration limits to be larger than the Excavation area to insure a smooth, rideable surface.

4) Any Excavation exceeding 40 sq.ft. made in a street paved within the previous three (3) years shall require full paving lane width milling and repaving.

(b) Concrete Pavement:

1) Any Excavation exceeding 40 sq. ft. in a concrete street pavement shall require a slab replacement from the nearest transverse joint longitudinally and the entire width of the traffic lane.

2. Backfilling and Compaction:

(a) Select fill material shall be as defined as in the current edition of the WVDOT Roads and Bridges Specifications. The Permittee may elect to use controlled density (flowable) fill in lieu of select fill, subject to prior approval of the City Engineer. Controlled density fill material may not be used as a riding surface. Stone may be substituted for select fill at the discretion of the City Rights-of-Way Inspector. Each Excavation shall be backfilled and compacted within twenty-four (24) hours from the time the construction, related to the Excavation, is completed. Allowing vehicular traffic to compact a fill is not an acceptable compaction method.

(b) The Permittee shall use standard construction practices to backfill and compact each Excavation. Select fill material shall be placed in 6" lifts and compacted after each lift with appropriate compaction equipment. At a minimum, each lift shall be compacted utilizing a jumping jack compactor with a minimum of four (4) passes on each lift. A pocket/dial penetrometer

shall be an acceptable means of density testing. A reading of 2000 psf (1 tsf) shall be the minimum bearing capacity allowed for any compacted lift. This bearing capacity performs equivalent to 95% compaction for most soil Applications within the City of Charleston. This type of testing shall be preformed on each lift as described in section 4.5(f). Compaction by backhoe bucket and/or vehicle tires is not acceptable. A minimum of twelve inches (12") of backfill should be placed over any utility pipe before compaction over the pipe. As part of the Permittee's quality control plan, written verification of compaction is required. In addition, the City Rights-of-Way Inspector may perform all necessary inspections during the compaction process to ensure compliance with these standards. The Permittee shall use a Dynamic Cone Penetrometer (DCP) (or comparable equipment) to test the compaction of the backfill. A density rate of 95% must be achieved for adequate compaction. The Permittee shall submit written compaction test results (See Attachment 3 for sample form) to the Rights-of-Way Permit Office or the City's Rights-of-Way Inspector, as directed. The Permittee shall have suitable compaction testing equipment on the project for inspection purposes by the Rights-of-Way Inspector. When controlled density fill type material is used, steel plates must be placed over the Excavation area to allow sufficient time for the material to set properly. All material must "set" within 72 hours of placement.

- (c) The City Rights-of-Way Inspector may require a flow test to be performed prior to flowable fill being placed. If granular backfill is used, the City Inspector may be present during backfill operation or may require random testing.

3. Permanent Repair Patch:

(a) Patches will be approved based on their general appearance as well as their "rideability." Rideability is defined as a leveling tolerance to within one-quarter inch (1/4") at any point across the patch as it relates to the surrounding street surface. Cuts must be saw cut and squared for a better appearance and performance of permanent patch.

(b) **Asphalt Pavement:**

- 1) New hot mix asphalt will be placed in lifts (3" maximum) and compacted using a vibratory plate compactor or a static roller. Asphalt depths will be governed by the existing cross section of the street. When it is necessary to use cold patch in an opening due to the unavailability of hot mix material, the cold patch will be applied in one lift, approximately 2 inches thick. The restoration will not be considered complete until the cold patch is removed and replaced with hot mix asphalt and notice of the final repair is approved by the City.

(c) **Concrete Pavement:**

- 1) Once the compacted backfill has been placed, place, finish, and protect new concrete with adequate protection during its curing period. Concrete is required to "set" within 4 hours of placement. Before the pavement is opened to traffic, joints must be cleaned and properly sealed. Concrete restoration shall be in accordance with the current edition of the WV DOT Standard Specifications for Roads and Bridges.

5.2 TRANSPORTATION.

- (a) **Signalized Intersections:** The Permittee, or the Permittee's Subcontractor, must not cut into the pavement of a signalized intersection without contacting the Charleston Traffic Engineer (304-348-8108) 24 hours in advance. The Traffic Engineer's Office will attempt to locate and mark buried loop detection devices. Any Permittee, or Permittee's Subcontractor, that damages a loop detector must replace the damaged loop detector within 48 hours of such damage and the sole expense of the Permittee or Permittee's Subcontractor.
- (b) **Pavement Markings:** Lane striping or other painted and affixed delineators, which are removed or damaged, must be replaced by the Permittee before restoration will be considered complete. Replacement materials for lane striping and other affixed delineators shall be as specified and approved by the Traffic Engineer.

5.3 SIDEWALKS.

Damaged sidewalks shall be removed and replaced in full sections (nearest joint). Replacement sidewalk material shall match the existing sidewalk to the extent practicable. All concrete edges that are to be removed must be saw cut and formed from construction joint to joint. A section's size will be determined by the adjacent sections or by the City's Rights-of-Way Inspector.

- (a) Any sections of sidewalk that have been undermined must be cut out and replaced. Suitable backfill must be installed and compacted prior to replacement.
- (b) The Permittee, or the Permittee's Subcontractors, must not park any vehicles and/or equipment on City sidewalks or within a landscaped bed on City property. Any damage observed after the Excavation has been completed will be the Permittee's responsibility. The Permittee will be required to make the necessary repairs before the Excavation will be accepted.
- (c) Concrete sidewalks shall be replaced per detail A-7 Attachment 12.

5.4 CURB RAMPS FOR PEOPLE WITH MOBILITY IMPAIRMENTS.

Any Excavation requiring the disturbance of the curb, and/or sidewalk within a city right-of-way must be removed and replaced with a curb ramp where applicable, at the Permittee's sole expense. The ramp shall be constructed of concrete in accordance with current West Virginia Department of Transportation and City of Charleston standards and specifications. All handicap accessibility ramps must be installed perpendicularly (90°) to the street or at 45° to the intersection of the street depending on existing crosswalk layout. When the Excavation disturbs an existing curb ramp, the ramp will be removed and replaced in its entirety and installed in accordance with current standards and specifications. (CABO ANSI A117.1)

5.5 DRIVEWAY APRONS.

Driveway aprons shall not be "patched" following any utility Excavation until the Permittee or the Permittee's Subcontractor has notified the Right-of-Way Permit Office for an inspection. The materials and method of restoration or replacement must be done in accordance with the City Engineer's design standards, and as specified by the City Engineer. All edges of concrete restoration shall be saw cut.

5.6 CURB AND GUTTER.

When curb and gutter are disturbed or damaged, the Permittee must replace in full ten-foot (10') sections and match existing curb and gutter materials to the extent practicable. Existing curb elevations must match and a constant grade ensured to provide positive drainage. Curb and gutter must be installed over 6" of compacted ~~crush~~ stone base and match the adjacent curb sections and materials (i.e., concrete, exposed aggregate).

STREET/ROAD CROSSINGS.

- (a) The preferred method of crossing a street in the City of Charleston will be by boring and jacking the new pipe, service line, conduit or system extension under the street crossed. Horizontal Directional Drilling (HDD) may also be used within the Public Rights-of-Way.

Unless otherwise specified the West Virginia Department of Highway, Accommodation of Utilities on Highway Right of Way standards shall apply in addition to the following:

- 1) Horizontal Directional Drilling equipment operators must be trained, preferably by the equipment manufacturer, in the safe and proper operation of the equipment. Written proof of proper training shall be furnished to the City's Rights-of-Way Inspector upon request. Failure to furnish training documentation could result in a Stop Work-Order being issued. All additional costs incurred by the Permittee, as result of the issuance of a "Stop Work Order," shall be the Permittee's responsibility.
 - a. For all underground utility construction, the Permittee shall thoroughly investigate the location of all known Public or Municipal Utilities paralleling or crossing the proposed path of the proposed utility facilities and call MISS UTILITY one call system (1-800-245-4848) for location of utilities and directly call any utilities or providers who are not a member of the one-call system to locate their facilities in the field prior to starting any Excavation.
 - b. All Public Utility Facilities which are to be located underground shall, after the effective date of this Manual, be installed to a minimum depth of thirty inches below the surface of the Public Rights-of-Way.
 - c. The Permittee is encouraged to use observation pits (~~pet-holes~~) to verify the location of existing underground utility facilities.
 - d. Horizontal Directional Drilling equipment shall have directional control of the boring tool and have an electronic boring tool location detection system. During operation the HDD equipment, the operator shall be able to determine the location of the boring tool both horizontally and vertically.
 - e. The Permittee or the Permittee's Subcontractor must be in direct charge and control of the HDD operation at all times.

- f. The City's Rights-of-Way Inspector shall be notified 48 hours in advance of starting HDD operations. HDD operations must be performed in the presence of a City Rights-of-Way Inspector unless otherwise directed by the City Engineer.
- (b) A street may also be crossed with an open cut to the pavement if approved by the City Engineer. The following conditions will apply.
 - 1) The use of steel road plating and a controlled density fill material will be required to ensure uniform compaction in order to reopen the street to traffic at the earliest possible time.
 - 2) Concrete roadways will be repaired to the nearest expansion joint, and doweled (steel dowel rods) into the adjacent existing concrete.

5.7 UTILITY MARKING REMOVAL.

The Permittee is responsible for ensuring that all utility markings are removed within ten (10) days after the completion of Excavation. No utility marking with paint is allowed on any City brick street, sidewalk, or intersection. Spray chalk type marking materials may be used on brick surfaces. If the utility marks are not removed by the time specified herein, the City will consider the marks as graffiti. The City, in accordance with existing City ordinances, may remove graffiti, and the costs associated with such removal will be the responsibility of the contractor or Permittee along with appropriate fines. The City shall have the right to suspend further permits to contractor or Permittee until the utility marks from previous projects have been removed.

5.8 LANDSCAPING.

The City of Charleston, Public Grounds Department is responsible for managing and maintaining trees, shrubbery, grass and other vegetation in the Public Rights-of-Way. All landscaping damaged by excavations shall be restored substantially to its pre-excavation condition and in accordance with Charleston City Code Tree Ordinance. These landscaping requirements also apply to above ground utility junctions and cabinet box facilities larger than seven and one-half (7.5) cubic feet in size or taller than two (2) feet in height. The utility shall submit a typical

landscaping plan. This plan shall be approved by the City's Engineer. Individual landscaping designs shall be submitted for any site where the typical landscape plan is unworkable. The utility shall submit landscape plans for all sites at one time, whenever possible. The proposed landscaping shall not result in plantings that will pose visibility or maintenance liabilities.

6. VIOLATIONS

- (a) The City Engineer, his designee, or the Building Code Official, his designee, has the authority to enforce the regulations and standards specified in this Rights-of-Way & Restoration Ordinance against violations thereof.
- (b) Any Person or Permittee who performs Excavation for which a permit is required by this code that has begun such Excavation prior to obtaining the required permit, in violation of this ordinance, shall be assessed a fee in the amount of double the amount of the permit fee or an additional \$100.00 above the usual permit fee, whichever is greater.
- (c) Any Person or Permittee occupying or using any of the public ways of the City in a manner not permitted to the general public, without having first legally obtained the consent of the City in accordance with the requirements contained herein or occupying or using such public ways inconsistent with the requirements of this Manual, shall be guilty of a misdemeanor punishable by fines of up to \$500.00. A separate and distinct offense shall be deemed committed each day a violation occurs or continues.
- (d) Any Person or Permittee that fails to comply with the requirements as set forth in this Manual may be prohibited from continuing to work in the Public Rights-of-Way and all future permit requests may be denied.
- (e) Violations by Municipal Utilities are not subject to the penalties specified herein. The City Engineer is empowered to abate violations by Municipal Utilities and may with the approval of the City Manager, charge the cost of such abatement to the expense budget of the Municipal Utility, take other appropriate action against such agency within the City Engineer's authority, or both.

6.1 STOP WORK ORDER, PERMIT MODIFICATION, AND PERMIT EVOCATION.

When the City Engineer has determined that a Permittee, Person, Facility Owner, or Sub-Contractor has violated the provisions of this ordinance or that an Excavation poses a hazardous situation or constitutes a public nuisance, public emergency, or other threat to the public health, safety, or welfare, the City Engineer shall authorize a Stop Work Order, to impose new conditions upon a permit, or to suspend or revoke a permit by notifying the Permittee of such action in a written, electronic, or facsimile communication.

6.2 SUBSURFACE OR PAVEMENT FAILURES - WARRANTY.

In the event that subsurface material or pavement over or immediately adjacent to any Excavation should become depressed, broken, or fail in any way within two (2) years after the Excavation has been completed and accepted by the City, the Permittee and the Permittee's Subcontractor, that is responsible for the failure in the subsurface or surface of the Public Right-of-Way shall make the necessary repairs as directed by the City Engineer. The City Engineer shall notify the Permittee or Subcontractor of the condition, location, and the required remedy, and such Permittee or Subcontractor shall repair or restore, or cause to be repaired or restored, such condition to the satisfaction of the City Engineer within seventy-two (72) hours of the notification. The City Engineer may extend the time for the responsible party to repair or restore the affected Public Right-of-Way.

6.3 REPAIR BY THE CITY

- (a) In the event that any Permittee or Subcontractor fails, neglects, or refuses to repair or restore any condition pursuant to the City Engineer's notice as set forth in Section 5.1, the City Engineer may repair or restore, or cause to be repaired or restored, such condition in such manner as the City Engineer deems expedient and appropriate. The Permittee, or Subcontractor identified by the City Engineer as the responsible party shall compensate the City of Charleston for any costs associated with administration,

construction, consultants, equipment, inspection, notification, remediation, repair, restoration, or any other actual costs incurred by the City that were made necessary by reason of the repair or restoration undertaken by the City and the City may collect upon the guarantee fee, irrevocable line of credit, or continuing or performance bond posted by the Permittee if necessary. The City Engineer's determination as to the cost of the repair or restoration performed shall be final. Additionally, the City has the right to file a lien against the real property of the Permittee, Facility Owner, or Sub-contractor in an amount of the actual costs incurred and to institute a civil action in any court of competent jurisdiction for all costs incurred by the City with respect to the Excavation and for reasonable attorney fees and costs incurred in the prosecution of the action. In addition, the responsible party may be subject to those enforcement actions as set forth in Sections 6., 6.1 and 7.

- (b) Subject to the limitation set forth in Sections 6. and 7., repair or restoration by the City of Charleston in accordance with these Sections shall not relieve the Person(s) from liability for future pavement failures at the site of the repair or restoration.
- (c) Nothing contained in this Ordinance shall be construed to prevent the Charleston City Council from entering into agreements with railroad and Public Utility companies which may exclude from or grant them deviations from the provisions of this Ordinance when, in the judgment of the City Engineer, it is in the public interest to do so and the health, safety and welfare of the inhabitants of the city will be adequately safeguarded.

7. EMERGENCY REMEDIATION BY THE CITY.

- (a) If, in the judgment of the City Engineer, the site of an Excavation is considered hazardous or if it constitutes a public nuisance, public emergency, or other imminent threat to the public health, safety, or welfare that requires immediate action, the City Engineer may authorize a Stop Work order be placed on the project.

- (b) If the Permittee or Subcontractor responsible is inaccessible or fails, neglects, or refuses to take immediate action to remedy the condition as specified in said communication, the City Engineer may remedy the condition or cause the condition to be remedied in such manner as the City Engineer deems expedient and appropriate. The Permittee or Subcontractor identified by the City Engineer as the responsible party shall compensate the City of Charleston for any reasonable costs associated with administration, construction, consultants, equipment, inspection, notification, remediation, repair, restoration, or any other actual costs incurred by the City or other agencies, boards, commissions, or departments of the City that were made necessary by reason of the emergency remediation undertaken by the City Engineer and the City may collect upon the guarantee fee, irrevocable line of credit, or continuing or performance bond posted by the Permittee if necessary. In addition, the responsible party may be subject to those enforcement actions set forth in Section 6., 6.1 and 7.

Subject to the limitation set forth in this Ordinance, remediation by the City in accordance with this Section shall not relieve the Permittee from liability for future pavement failures at the site of the remediation.

8. SEVERABILITY & REFORMATION

If this Ordinance contains any unlawful provision not an essential part of the Ordinance and which shall not appear to have been a controlling or material inducement to the making thereof, the same shall be deemed of no effect and shall, upon proper notice, be deemed stricken from the Ordinance without affecting the binding force of the remainder. If it is judicially determined that any obligation assumed pursuant to this Ordinance, including, but not limited to, any type or limits applicable to insurance and indemnities assumed under this Ordinance, exceeds the maximum limits or scope permitted by applicable law, those obligations shall automatically be amended to conform to the maximum limits and scope permitted under any such law.

ATTACHMENTS

Attachment 1	Right of Way Permit Application
Attachment 1-A	Application Site Plan
Attachment 2	24-Hour Advance Notice of excavation in Right-of-Way Form
Attachment 3	Compaction Testing Results Form
Attachment 4	Brick Streetscape Repair Instructions – Mortarless on asphalt
Attachment 5	Brick Streetscape Repair Instructions – Mortared on concrete
Attachment 6	Standard Detail A-1 (Asphalt Overlay on Conc.)
Attachment 7	Standard Detail A-2 (Concrete Street)
Attachment 8	Standard Detail A-3 (Asphalt Street)
Attachment 9	Standard Detail A-4 (Brick Street Intersection – Asphalt)
Attachment 10	Standard Detail A-5 (Brick Street Intersection – Concrete)
Attachment 11	Standard Detail A-6 (Streetscape Sidewalk Restoration)
Attachment 12	Standard Detail A-7 (Concrete Sidewalk Restoration)
Attachment 13	Sidewalk Ramps – Sheet 1 of 2 (WVDOH Specs)
Attachment 14	Sidewalk Ramps – Sheet 2 of 2 (WVDOH Specs)
Attachment 15	WV DOH Traffic Control Case B-3
Attachment 16	WV DOH Traffic Control Case C-1
Attachment 17	WV DOH Traffic Control Case C-2
Attachment 18	WV DOH Traffic Control Case C-3
Attachment 19	WV DOH Traffic Control Case C-4
Attachment 20	Schedule of Permit Fees
Attachment 21	Sample Insurance/Bond Form



**CITY OF CHARLESTON
RIGHT-OF-WAY PERMIT APPLICATION**

Miss Utility Confirmation # _____ Tentative Start Date: _____

Permittee Name: _____ Permittee SSN or Tax ID# _____

Permittee Address: _____

Permittee Bond: On File _____ Attached _____

Construction Contact Person: _____ Fax _____ Phone _____

Contractor/Subcontractors Name: _____ Fax _____ Phone _____ Chas. License No. _____

Worksite Address: _____ Cross Street (required): _____

CHECK ONE: INSTALL: Gas line <input type="checkbox"/> Electric line <input type="checkbox"/> Sewer line <input type="checkbox"/> Water line <input type="checkbox"/> Storm drain inlet or line <input type="checkbox"/> Communication line <input type="checkbox"/> Sidewalk <input type="checkbox"/> Other <input type="checkbox"/>
--

Total Sq. Ft. of Excavation(s) - All trenches or hole cuts: _____ Depth of Excavation(s): _____

Total Estimated Cost of Construction: \$ _____ Permit Fee: \$ _____

Method of Construction:

Pavement (Concrete or Asphalt) Cut: ☐ Direct Buried Cut (Out of Pavement): ☐ Horizontal Directional Drilling (HDD): ☐

Description of work for Gas, Sewer, Water, or Storm Drain:

Install New ☐ Renew ☐ Repair ☐ Retire ☐ Relocate ☐ Main ☐ Service Lateral ☐ Valve ☐ Other ☐

Description of work for installation of buried Electric or Communication facilities:

Conduit: _____ (ft.) Conduit size: _____ (in.) Number of conduits: _____ Coaxial Cable: _____ (ft.)

Fiber Optic Cable: _____ (ft.) Electric Cable/Conductor: _____ (ft.) Communications Cable: _____ (ft.)

Cover: _____ (inches) (24 inches min.)

Description of work for Pole, Guy, Aerial Cable/Conductor Installation:

Number of poles: New: _____ Renewed: _____ Removed: _____

Number of guy wires/anchors: New: _____ Renewed: _____ Removed: _____

Aerial Cable/Conductor (ft): New: _____ Removed: _____ Renewed: _____

Description for Cabinets, Flush Mounted Junction Boxes, Pedestals, Pad Mounted Transformers, Switches, Meters, etc.:

Number of cabinets: _____ Number of flush mounted boxes: _____ Number of pedestals: _____ Meters: _____

Number of Transformers: _____ Number of Switches: _____ Number of witness markers: _____

Description of work for Pavement Cuts, Sidewalk Restoration, Test Holes - list cut size in feet for each pavement type:

Asphalt: _____ (l) x _____ (w) Concrete: _____ (l) x _____ (w) Dirt: _____ (l) x _____ (w)

Asphalt: _____ (l) x _____ (w) Concrete: _____ (l) x _____ (w) Dirt: _____ (l) x _____ (w)

Asphalt: _____ (l) x _____ (w) Concrete: _____ (l) x _____ (w) Dirt: _____ (l) x _____ (w)

A Permit will not be issued unless accompanied by a detailed site plan of proposed work. Site plan shall indicate all requested work on the application including property line or city right of way, edge of pavement, curb & gutter, sidewalk, driveways, closest cross street, city trees and north arrow. Show existing sewer and water lines and reference them to the edge of pavement. Contractor must be properly bonded. All work shall be done in accordance with this application or as amended by this office. Please submit application and site plan in duplicate (2 copies).

The Permittee, its agents, employees, officers and assignee assume all responsibility and liability for any injury to persons or damage to public or private property, caused directly or indirectly, by the performance of permitted work under this permit. Furthermore, the Permittee, its agents, employees, officers and assignees agree to save and hold harmless the City of Charleston, its agents, employees and officers from any and all claims, demands, actions, judgments, executions, damages or proceedings for any and all personal actions, judgments, executions, damages or proceedings for any and all personal injury, and injuries to property, real or personal, public or private caused by or arising out of directly or indirectly, from the performance of permitted work.

I certify that the above information is accurate, that permission from the pole owner has been obtained to perform the work (if applicable), and that all work will be performed in accordance with the City of Charleston Right of Way Excavation and Restoration Manual.

Application Date _____ Signature of Permittee or Authorized Agent _____



RIGHT OF WAY PERMIT APPLICATION – SITE PLAN ATTACHMENT

CONSTRUCTION ADDRESS: _____

NEAREST CROSS STREET: _____

TRAFFIC CONTROL METHOD (CITE CASE NO.): _____

PRE-APPROVED RESTORATION METHOD (CITE STANDARD DETAIL NO.): _____

LOCATION OF WORK (CIRCLE ALL THAT APPLY):

STREET	SIDEWALK	ALLEY
UNPAVED ROW	DRIVEWAY	OTHER

DESCRIPTION OF LOCATION OF WORK:

Please provide enough description so that an Inspector can locate this location in the field. (Example – north (or south, east, west) driving lane of street, between (cross streets), 50' from intersection. Or, Sidewalk in front of (Street Address). Or, Alley located behind (Street Address). Or north (or south, east, west) shoulder of (Street Name) 150' from intersection).

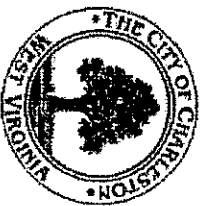
TRENCH: LENGTH X WIDTH: _____ SQ. FEET: _____ DEPTH: _____

ADDITIONAL HOLE CUTS:

Asphalt: _____ (l) x _____ (w)	Concrete: _____ (l) x _____ (w)	Dirt: _____ (l) x _____ (w)
Asphalt: _____ (l) x _____ (w)	Concrete: _____ (l) x _____ (w)	Dirt: _____ (l) x _____ (w)
Asphalt: _____ (l) x _____ (w)	Concrete: _____ (l) x _____ (w)	Dirt: _____ (l) x _____ (w)
Asphalt: _____ (l) x _____ (w)	Concrete: _____ (l) x _____ (w)	Dirt: _____ (l) x _____ (w)

ADDITIONAL SKETCH OR DESCRIPTION

Total Square Feet of Excavation _____ x \$2.00 SF + \$25.00 = \$ _____ (permit fee)



ADVANCE NOTICE IS REQUIRED TO PERFORM WORK IN THE PUBLIC RIGHTS-OF-WAY. FAX NOTICE TO CITY OF CHARLESTON RIGHTS-OF-WAY INSPECTOR AT 304-348-8044

Company:	Contractor:	Date:

Contact Person:	Phone Nos.	Cell Phone No.

The above named company/contactor will be starting work at the following sites within the next 24 hours:

For Inspector Use Only

[illegible]



City of Charleston

P. O. Box 2749

Charleston, WV 25330

(304) 348-6833 Permit Office

(304) 348-8106 Right-of-Way Inspector

(304) 348-8044 Fax

Excavation

Permit No. _____
(Required)

COMPACTION INSPECTION TESTING REPORT

Date: _____

Weather: _____

Inspector: _____

Address of Excavation: _____

Utility/Franchisee Name: _____

Sub-Contractor Name: _____

Fill Material: _____

Type of Compaction Equipment: _____ **Base Type:** _____

Total No. 6" lifts: _____ **Penetrometer Reading: psf** _____

Concrete Thickness: Inches _____ **Asphalt Thickness: Inches** _____

Signature _____

BRICK STREETSCAPE REPAIR INSTRUCTION

Mortarless Brick Paving on Asphalt Base

(Please contact the City Engineer for specific instructions for the Streetscape Intersection where work is planned. Some intersections are constructed differently)

1. Coordinate all repairs with the City Engineer and request the City Engineer approve all construction.
2. Place flowable fill around the pipe in the excavated area to within 9 inches of the existing base elevation below brick pavers. Use a vibrator to consolidate the fill and fill in the voids beneath the existing pavement.
3. After flowable fill has hardened, cast 8 inches of 3500psi (min) concrete on top of the fill to an elevation of 1 inch plus the thickness of the paver below finish grade.
4. Prepare setting-bed by spreading bituminous material and pulling this bed with striking board several times to produce a smooth, firm, and even setting-bed, not less than 1 inch thick. Add fresh bituminous material to low, porous spots after each pass of striking board. Carefully fill up any depressions that remain.
5. Roll setting bed with power roller or viberplate to a nominal depth of 1 inch while it is still hot. Adjust thickness as necessary to allow for setting unit pavers to finished grades indicated. Finish grades shall match existing pavers as closely as possible.
6. Apply neo-prene asphalt adhesive to cold setting bed with squeegee. Do not proceed with setting of pavers until adhesive is dry to touch. Do not exceed manufacturer's recommended rate of application. Ensure that asphalt adhesive does not work its way to the top surface of the brick pavers.
7. Place unit pavers carefully with joints not exceeding 1/8 inch in straight courses maintaining accurate alignment and uniform top surface. Protect newly laid unit pavers with panels of plywood on which workers stand. Advance protective panels as work progresses but maintain protection in areas subject to continued movement of materials and equipments to avoid creating depressions or disrupting alignment of unit pavers. Check and maintain alignment as often as necessary.
8. Fill joints with sand by sweeping over paver surface, use ASTM 144 aggregate with 100% passing #16 sieve and 10% passing #200 sieve. Repeat procedure of filling joints with sand after 30 days.

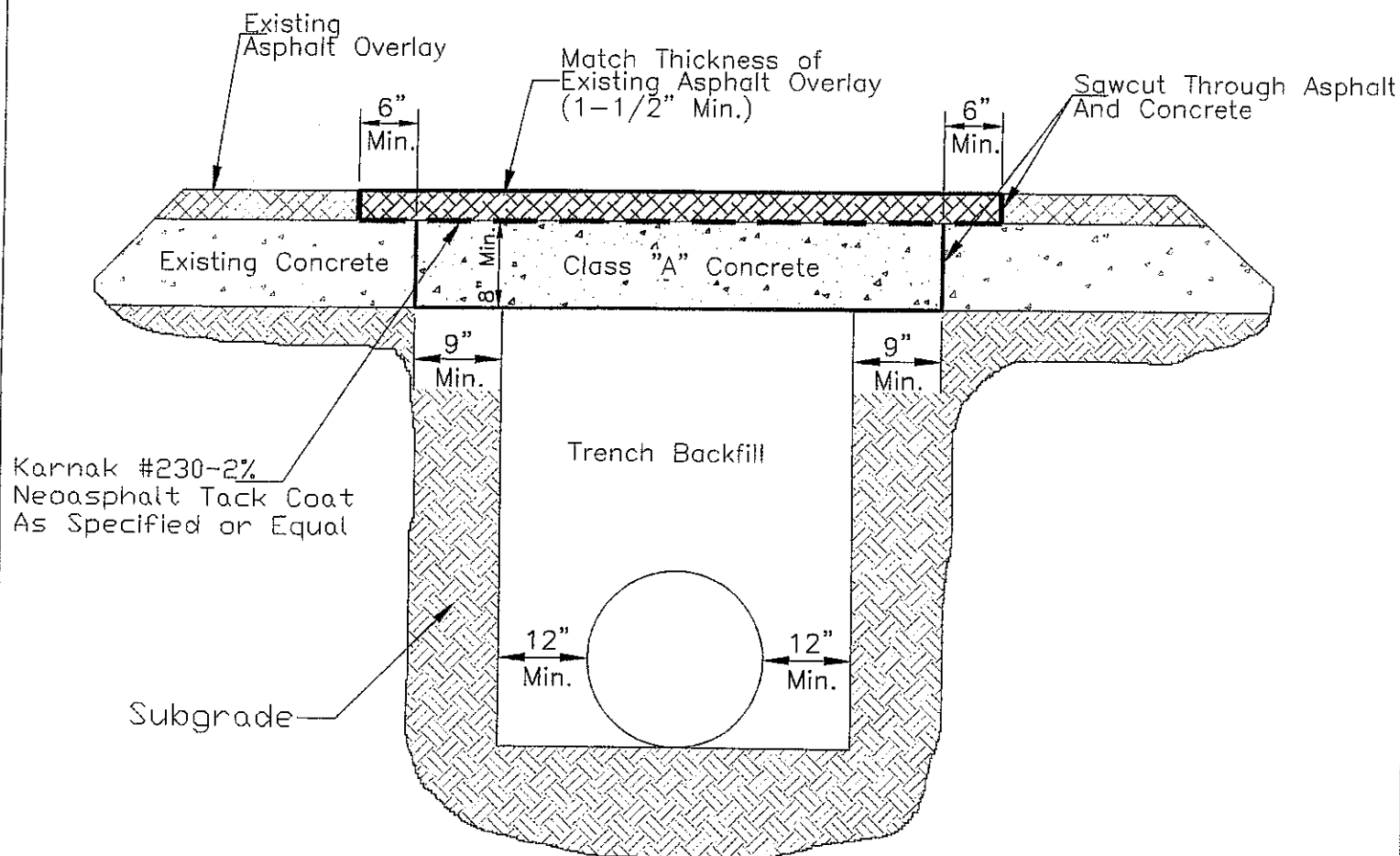
BRICK STREETSCAPE REPAIR INSTRUCTION

Mortared Brick Paving on Concrete Base

(Please contact the City Engineer for specific instructions for the Streetscape Intersection where work is planned. Some intersections are constructed differently)

1. Coordinate all repairs with the City Engineer and request the City Engineer approve all construction.
2. Place flowable fill around the pipe in the excavated area to within 9 inches of the existing base elevation below brick pavers. Use a vibrator to consolidate the fill and fill in the voids beneath the existing pavement.
3. After flowable fill has hardened, cast 8 inches of 3500psi (min) concrete on top of the fill to an elevation of ½ inch plus the thickness of the paver below finish grade elevation.
4. Roughen the face of the in-place concrete to provide aggregate interlock (or other means of load transfer). Seal the joints per 501.16 of the WV DOT Standard Specifications.
5. After the concrete slab hardens, thoroughly clean the surface of all foreign matter. Dampen the surface several hours before setting the mortar bed. Fifteen minutes before setting the mortar bed apply a sprinkling of Portland Cement over the area. Lightly dampen the cement to form a slurry and sweep it over the concrete to receive the mortar bed with a broom. The coating should be approximately 1/16 inch thick or less. Do not spread too large of an area at one time.
6. Place mortar bed- minimum of ½ inch thick-comprised of one part Portland Cement and one part clean sand, thoroughly mixed, with only enough water to form a good stiff mortar mix.
7. Paver bricks should be firmly bedded into the mortar bed. Bring the paver faces into line with a string line set between the existing pavers. Match spacing to the spacing of existing pavers.
8. Spread mortar mix consisting of one part Portland Cement to one part sand over the pavers to fill in the joints. Sweep the mortar mix into the joints using a fine hair push broom.
9. Saturate the joints with water, being careful not to wash away any of the mortar mix from between the pavers.
10. Check the pavers after spraying and refill any joints that have settled or washed out.

CITY OF CHARLESTON STANDARD DETAIL A-1 FOR ASPHALT OVER CONCRETE STREET RESTORATION



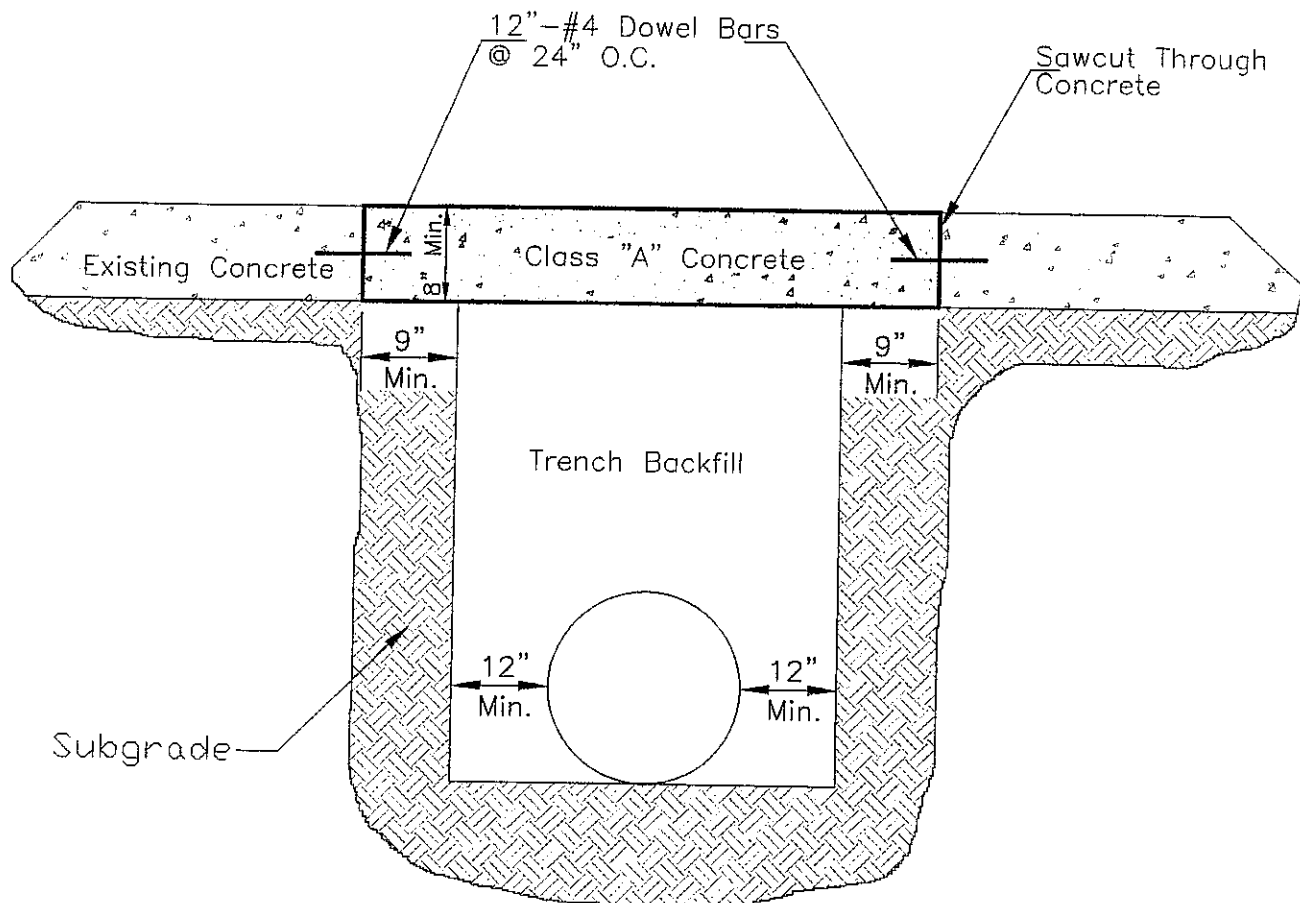
NOTES:

Decrease width of excavation by 6" on each side of trench if CLSM is used.

Concrete is to be removed to the construction or expansion joint if repairs are done within 2' of the joints.

Use 1/2" dia., 18" long, corrosion-resistant dowels, 24" on-center if existing concrete street is 6" thick or greater.

CITY OF CHARLESTON STANDARD DETAIL A-2 FOR CONCRETE STREET RESTORATION



NOTES:

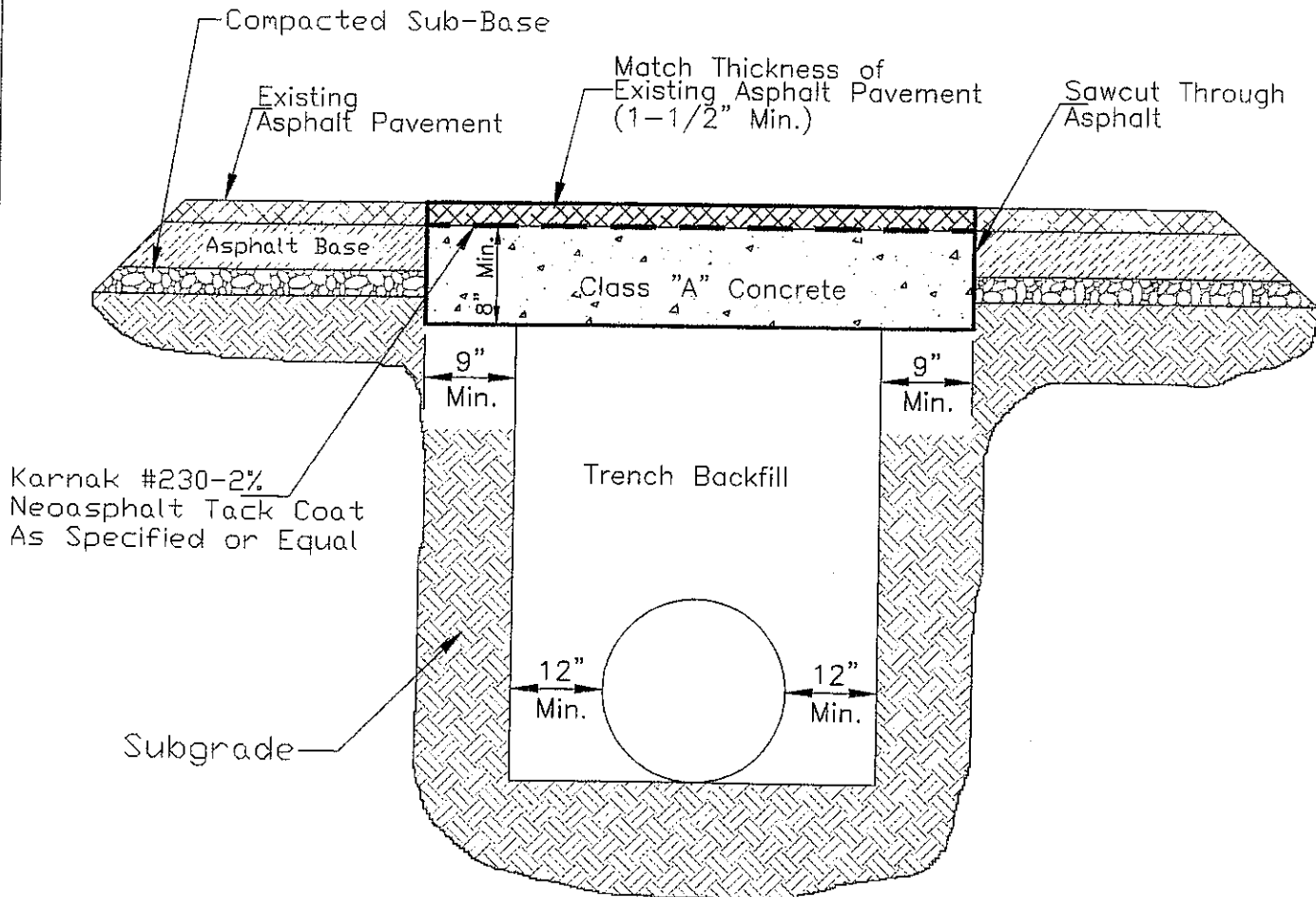
Decrease width of excavation by 6" on each side of trench if CLSM is used.

Concrete is to be removed to the construction or expansion joint if repairs are done within 2' of the joints.

Use 1/2" dia., 18" long, corrosion-resistant dowels, 24" on-center if existing concrete street is 6" thick or greater.

Seal perimeter of concrete area repaired with an approved silicone sealant

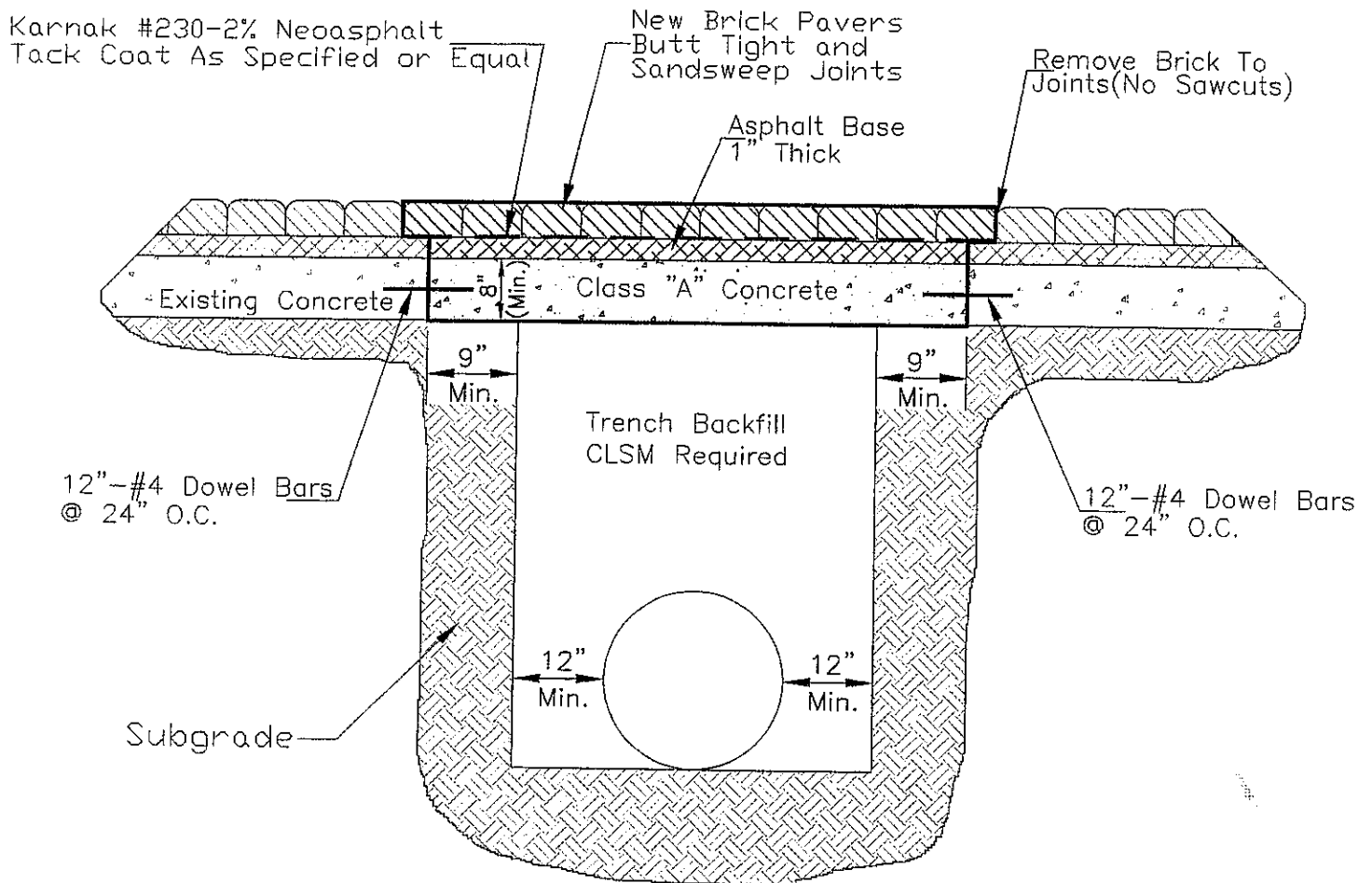
CITY OF CHARLESTON STANDARD DETAIL A-3 FOR ASPHALT STREET RESTORATION



NOTE:

Decrease width of excavation by 6" on each side of trench if CLSM is used.

CITY OF CHARLESTON STANDARD DETAIL A-4 FOR STREETSCAPE INTERSECTION RESTORATION ASPHALT BASE

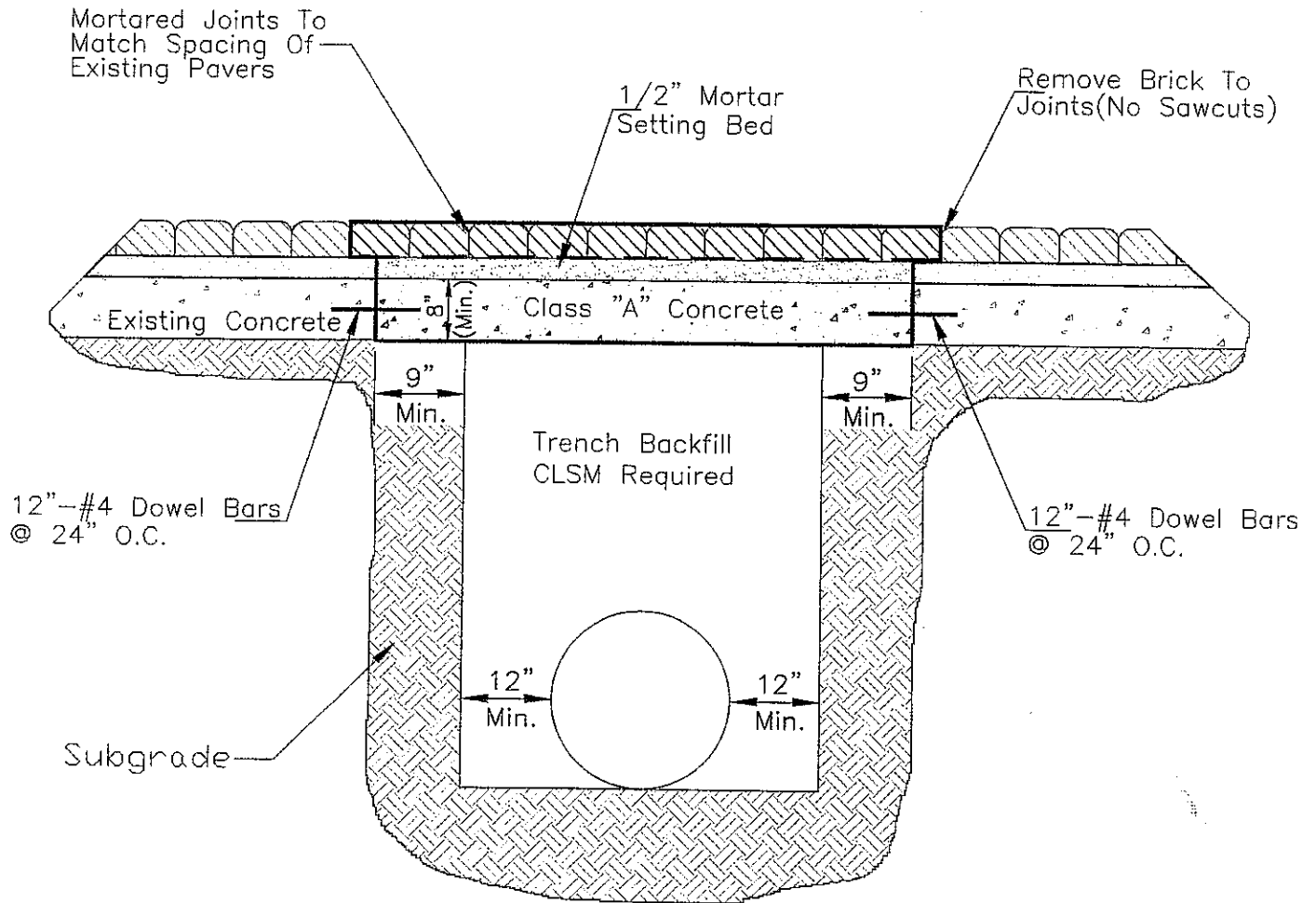


NOTE:

Seal perimeter of concrete area repaired with an approved silicone sealant

CITY OF CHARLESTON STANDARD DETAIL A-5 FOR

STREETSCAPE INTERSECTION RESTORATION MORTARED BRICK PAVING ON A CONCRETE BASE

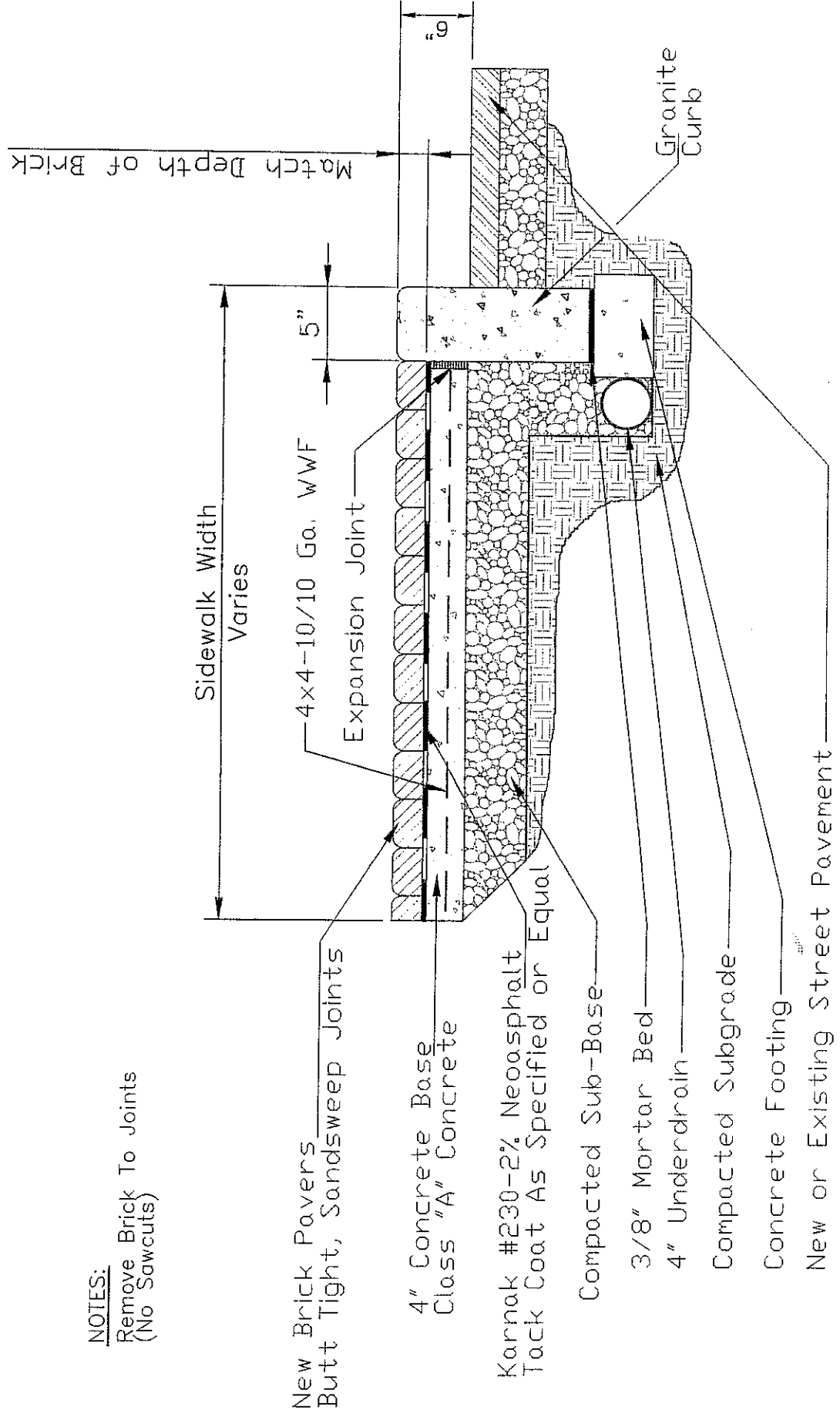


NOTE:

Seal perimeter of concrete area repaired with an approved silicone sealant

CITY OF CHARLESTON STANDARD DETAIL A-6 FOR STREETSCAPE SIDEWALK RESTORATION

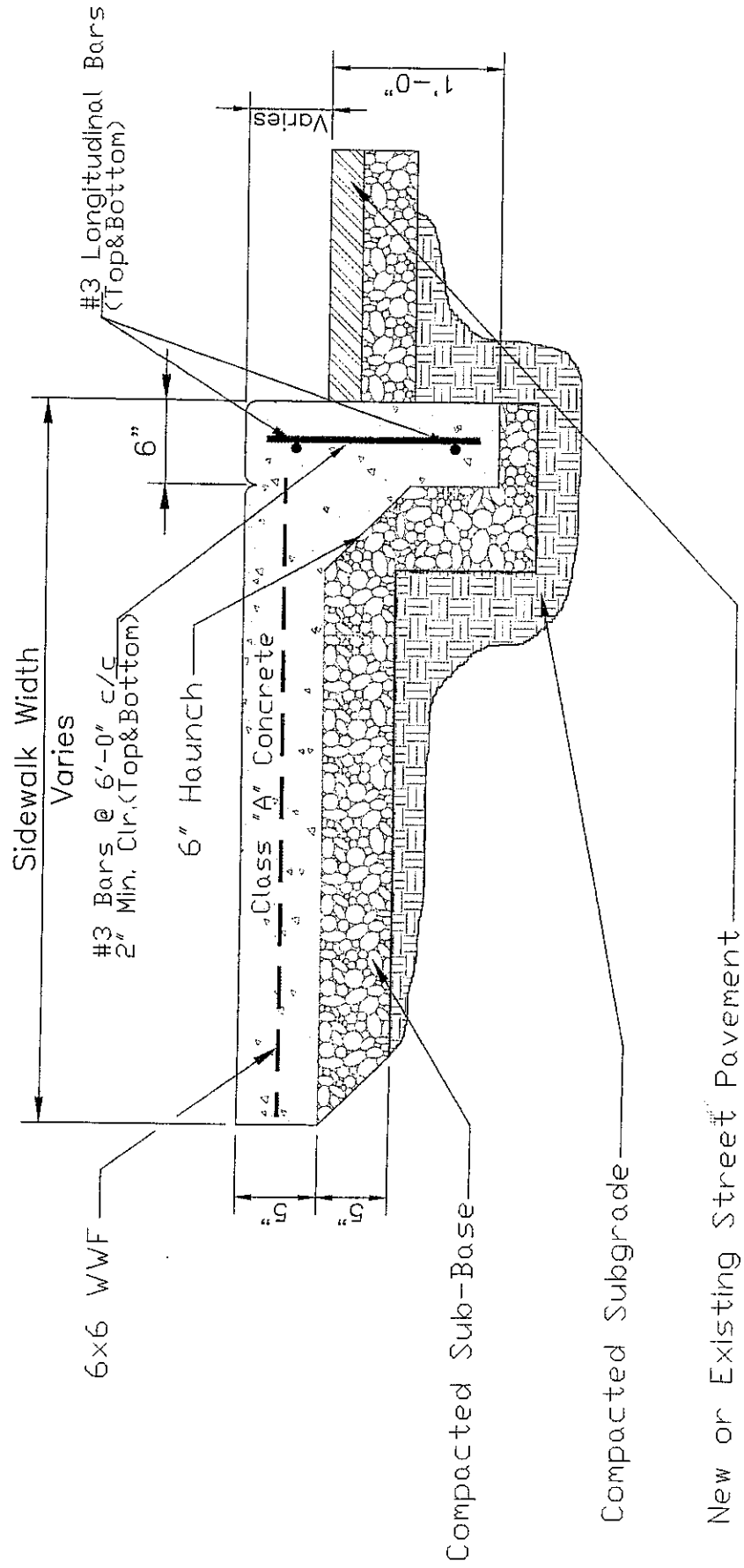
NOTES:
Remove Brick To Joints
(No Sawcuts)



CITY OF CHARLESTON STANDARD DETAIL A-7 FOR CONCRETE SIDEWALK RESTORATION

NOTES:

The entire sidewalk panel shall be replaced if it has been damaged or any sawcuts have been made during repairs.



NOTES

Ramp and flare slopes shall not be steeper than 12:1 unless otherwise shown or specified.
 Ramp concrete shall meet the requirements of Section 609 of the Specifications. A coarse broom finish, transverse to ramp slopes and flare slopes, or equal non-skid finish shall be provided.
 Normal gutter flow line and profile shall be maintained through the ramp area, unless otherwise shown or specified.
 Section 609 of the Specifications, shall be placed at all locations where curb contacts the ramp, the gutter line between the sidewalk ramp and concrete pavement for Type VI Ramps, and in addition, when the ramp is poured separately from the sidewalk, the expansion material shall be placed at all locations where the sidewalk and the ramp abut. Drainage structures shall not be placed in the sidewalk.

Location of the ramp shall normally take precedence over location of the drainage structure, except where existing structures are being utilized in the new construction.
 Pavement for the construction of sidewalk ramps shall be included in the cost of the sidewalk per square yard.

The type of ramp to be used shall be as specified on the plans. The following can be considered guidelines in selecting ramp types, but are included here for information only.

If the 12:1 slope cannot be obtained due to grade of the adjacent roadway the sloped portion of the ramp shall be extended to a maximum length of 8'-0".

NORMAL RAMP (For general use)

Ramp is for general use at intersections or anywhere in the block where the sidewalk extends to the curb side.

Ramp is for general use at intersections, especially where pedestrian access is desired to cross diagonally.

SPECIALTY RAMP

(For occasional use where space is limited or obstructions unavoidably encountered)

Ramp is for use where a narrow width sidewalk exists or is necessary, and widening of the sidewalk is not feasible.

Ramp is for use where wheelchair access can occur from only one side of the ramp.

Ramp is for use where features of Ramp Types III and IV must be combined.

Ramp is for use in areas where the sidewalk is set back from the street, and wheelchair access from either side of the ramp is not likely to occur because the side approach area is unimproved, i.e., covered by grass, gravel, etc. Also ramp is for use in areas where a wheelchair ramp is very limited due to obstructions on both sides of the ramp.

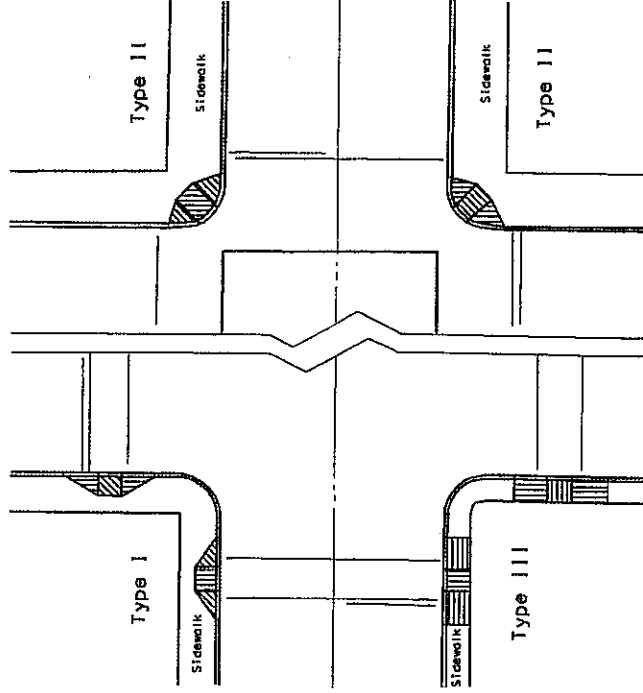
WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 STANDARD DETAIL

FIGURE 1-14
 SIDEWALK RAMP

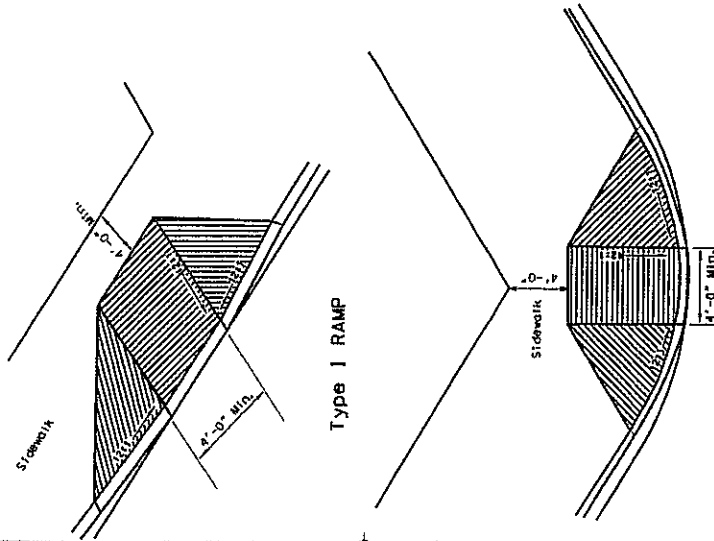
SIDEWALK RAMP

(SHEET 1 OF 2)

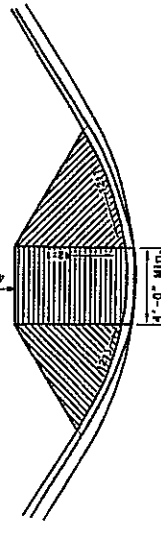
STANDARD SHEET PVT7



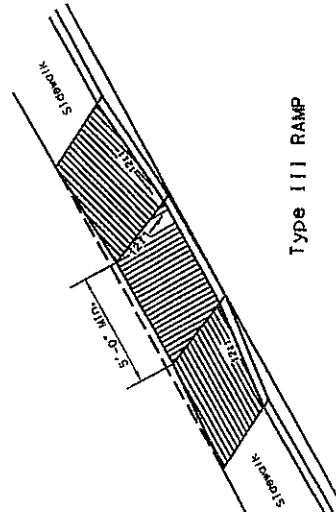
TYPICAL RAMP LAYOUT AT INTERSECTIONS



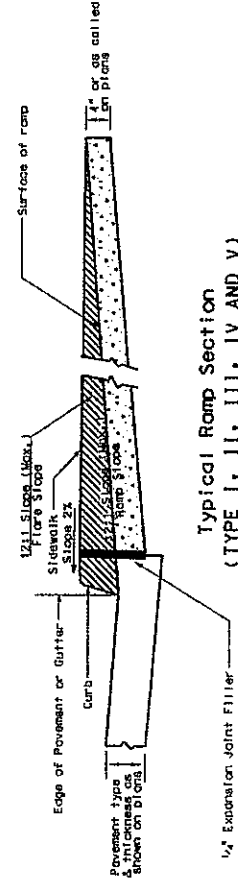
Type I RAMP



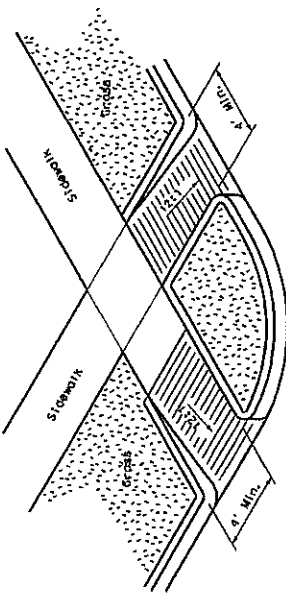
Type II RAMP



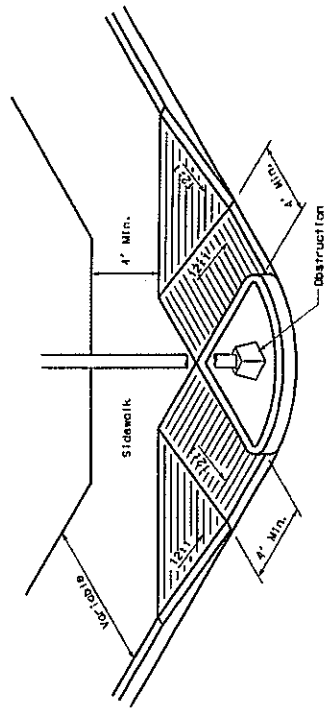
Type III RAMP



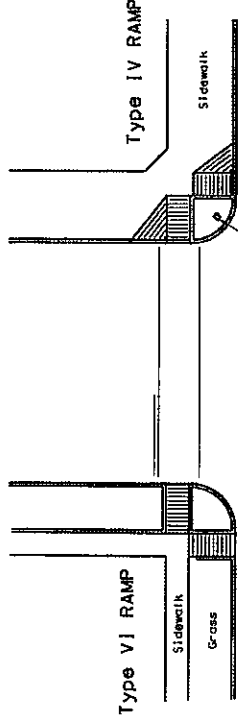
Typical Ramp Section
 (TYPE I, II, III, IV AND V)



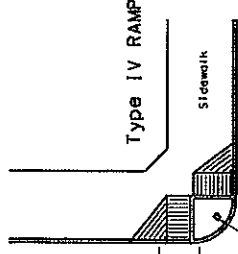
Type VI RAMP



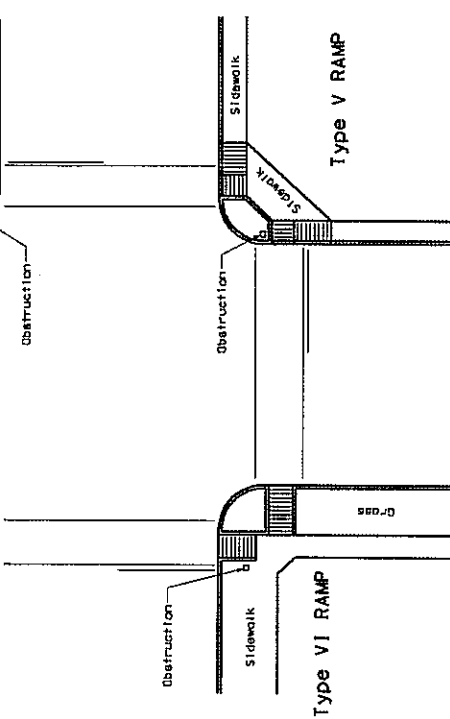
Type IV RAMP



Type VI RAMP

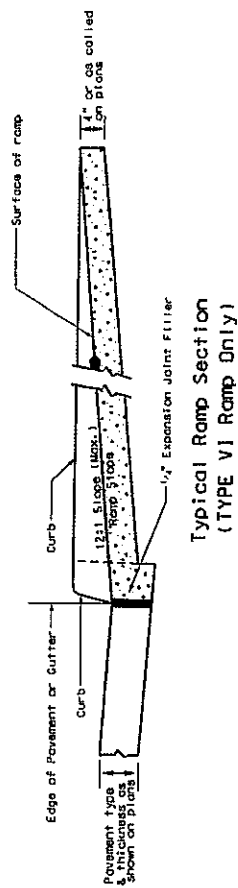


Type IV RAMP

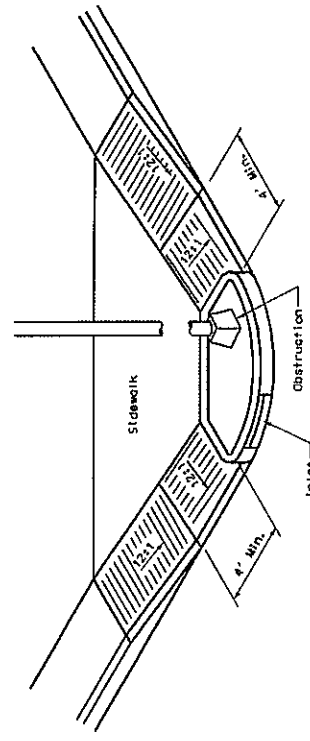


Type VI RAMP

Type V RAMP



Typical Ramp Section
(Type VI Ramp Only)



Type V RAMP

TYPICAL RAMPS LAYOUT AT INTERSECTIONS

NOTES

The appropriate details and notes of Standard Sheet PVT7, sheet 1 or 2, shall apply to this Standard Sheet.

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
STANDARD DETAIL

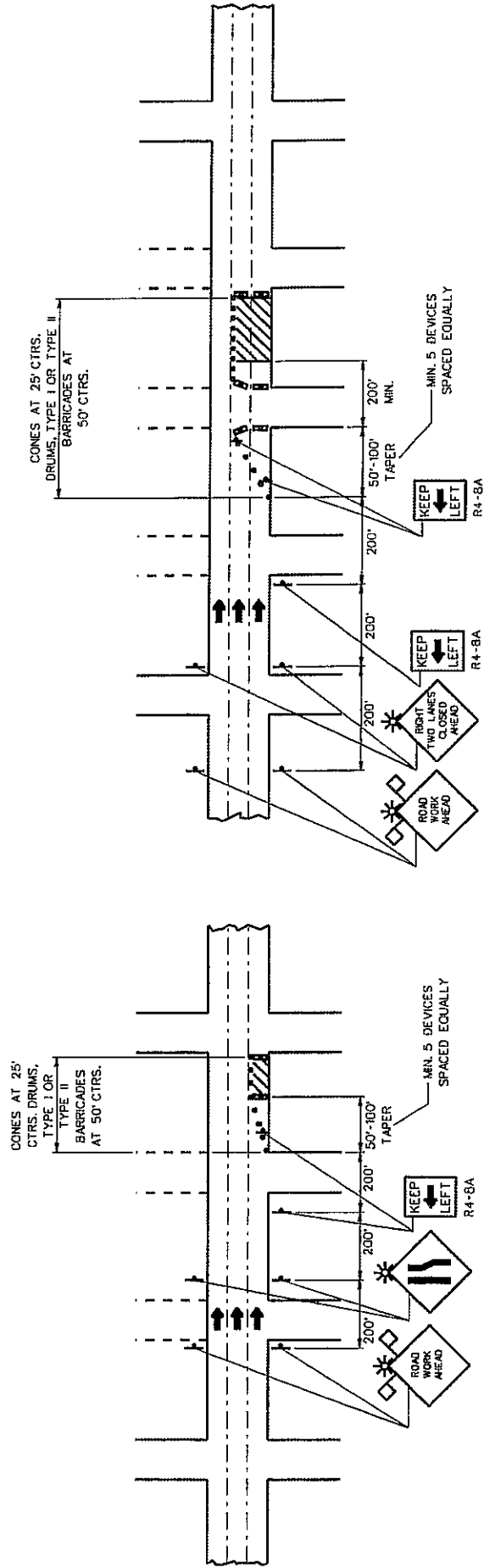
DESIGNED BY	
CHECKED BY	
APPROVED BY	
DATE	

SIDEWALK RAMPS

(SHEET 2 OF 2)

STANDARD SHEET PVT7

CONES AT 25' CTRS. DRUMS, TYPE I OR TYPE II BARRICADES AT 50' CTRS.



GENERAL NOTES

1. DRUMS OR TYPE II BARRICADES SHALL BE USED IN LIEU OF CONES FOR NIGHT OPERATIONS.
2. IF THE WORK OPERATION PERFORMED DOES NOT EXCEED 15 MINUTES, SIGNING SHALL BE IN ACCORDANCE WITH CASE A6.
3. WHERE THE WORK AREA EXTENDS THROUGH THE INTERSECTION, BARRICADES AND/OR ADEQUATE WARNING SIGNS SHALL BE ERECTED ON THE CROSS STREET.
4. IF THE WORK AREA IS IN THE PARKING LANE A ROAD WORK AHEAD SIGN SHALL BE INSTALLED 200 FT. IN ADVANCE OF THE WORK AREA AND THE WORK AREA PROTECTED WITH CONES, DRUMS OR BARRICADES.
5. THIS CASE ALSO APPLIES WHEN WORK IS BEING PERFORMED IN THE EXTREME LEFT LANE OR LANES, UNDER THESE CONDITIONS THE APPROPRIATE PAVEMENT WIDTH TRANSITION SIGN SHALL BE USED, AND KEEP RIGHT SIGNS SUBSTITUTED FOR THE KEEP LEFT SIGNS.
6. ALL SIGNS SHALL BE POST MOUNTED IF THE CLOSURE TIME EXCEEDS SEVEN DAYS.
7. ALL VEHICLES, EQUIPMENT, WORKERS OR THEIR ACTIVITIES ARE RESTRICTED AT ALL TIMES TO ONE SIDE OF THE PAVEMENT UNLESS OTHERWISE AUTHORIZED BY THE ENGINEER.

SYMBOLS

- TYPE I OR TYPE II BARRICADES WITH FLASHING LIGHT (TYPE "A")
- WORK AREA.
- ◊ SIGN WITH 16 IN. BY 18 IN. (MINIMUM) ORANGE FLAGS ATTACHED. (2 FLAGS PER SIGN).
- CONES OR DRUMS (TYPE II BARRICADES OPTIONAL).
- † SIGN ON PORTABLE OR PERMANENT SUPPORT.

CASE B3

MULTILANE, ONE WAY TRAFFIC WITH NON TRAVERSABLE MEDIAN, OR MULTILANE ONE WAY TRAFFIC, URBAN, DAY OR NIGHT OPERATION

WHERE, AT ANY TIME, ANY VEHICLE, EQUIPMENT, WORKERS OR THEIR ACTIVITIES ENCROACH ON THE PAVEMENT REQUIRING THE CLOSURE OF ONE OR MORE TRAFFIC LANES.



WORK AREA.

**SIGN WITH 18 IN. BY 18 IN. (MINIMUM) ORANGE
FLAGS ATTACHED (2 FLAGS PER SIGN).**

SIGN ON PORTABLE OR PERMANENT SUPPORT.

HIGH LEVEL WARNING DEVICE.

FLASHING VEHICLE LIGHT.

CONES ON 25° CENTERS MAX.

TYPICAL APPLICATIONS

UTILITY OPERATIONS ONLY

GENERAL NOTES

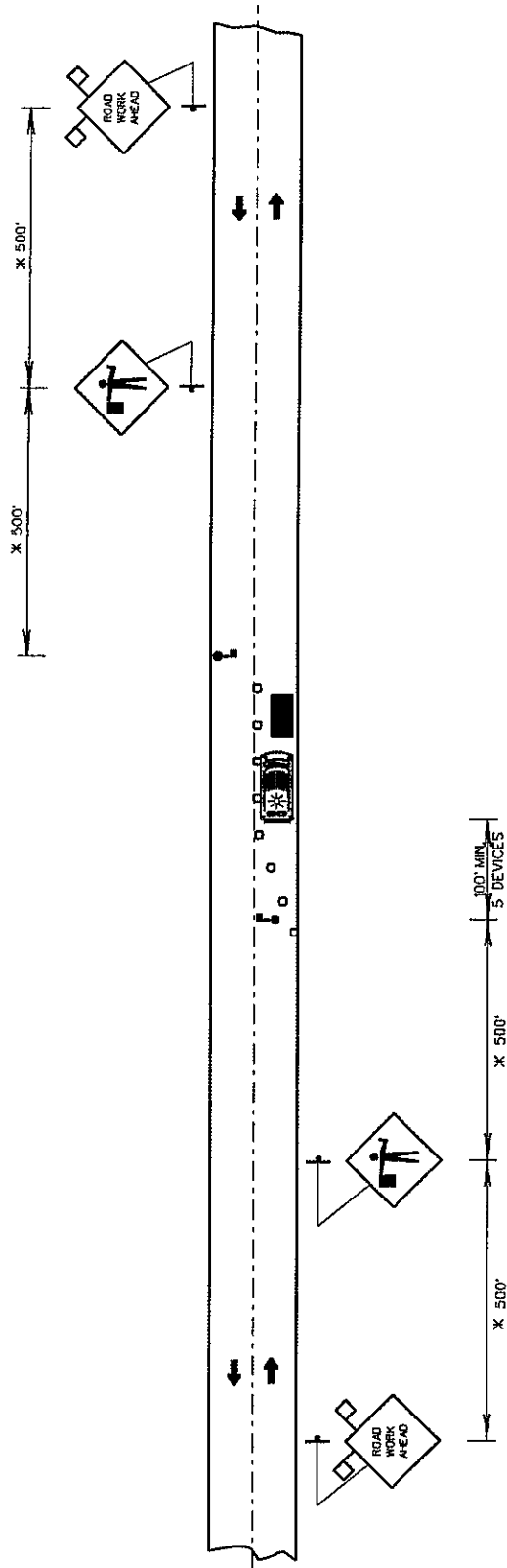
1. ROAD WORK AHEAD SIGNS ARE TO BE REMOVED WHEN NO WORK IS BEING PERFORMED, ANY UNATTENDED OBSTACLE OR EXCAVATION IN THE WORK AREA SHALL BE PROTECTED BY TYPE I OR TYPE II BARRICADES WITH FLASHING LIGHTS. (TYPE "A").
2. IF THE WORK OPERATION REQUIRES THAT FOUR OR MORE WORK VEHICLES ENTER THE THROUGH TRAFFIC LANES IN A ONE-HOUR PERIOD A FLAGGER SHALL BE PROVIDED AND THE FLAGGER SIGN SHALL BE ERECTED ACCORDINGLY.
3. ALL VEHICLES, EQUIPMENT, WORKERS (EXCEPT FLAGGERS) AND THEIR ACTIVITIES ARE RESTRICTED AT ALL TIMES TO ONE SIDE OF THE PAVEMENT UNLESS OTHERWISE AUTHORIZED BY THE ENGINEER.

CASE C1

TWO-LANE, TWO-WAY TRAFFIC
DAYLIGHT OPERATIONS ONLY

WHERE, AT ANY TIME, ANY VEHICLES, EQUIPMENT, WORKERS OR THEIR ACTIVITIES WILL ENCROACH IN THE AREA BETWEEN 2 FT. AND 15 FT. FROM THE EDGE OF PAVEMENT.

X - MAY BE DECREASED TO 200' TO 350' FOR URBAN AREA



GENERAL NOTES

1. CONSTRUCTION OPERATIONS SHALL BE CONFINED TO ONE TRAFFIC LANE, LEAVING THE OPPOSITE LANE OPEN TO TRAFFIC.
2. IF THE WORK OPERATION DOES NOT EXCEED 60 MINUTES, TRAFFIC CONTROL WILL BE IN CONFORMANCE WITH CASE A6.
3. THE FLAGGERS SHALL BE IN SIGHT OF EACH OTHER OR IN DIRECT COMMUNICATION AT ALL TIMES.
4. IN LIGHT TRAFFIC WHEN THERE IS NO WORK BEING PERFORMED FLAGGER SIGN(S) AND THE FLAGGER MAY NOT BE REQUIRED (AT THE OPTION OF THE ENGINEER). IN THIS CASE ONE LANE ROAD SIGN(S) SHALL BE INSTALLED IN PLACE OF THE FLAGGER SIGN(S).
5. ALL SIGNS ARE TO BE REMOVED AT COMPLETION OF THE WORK AND THE DAYS OPERATIONS.
6. WHEN A SIDE ROAD INTERSECTS THE HIGHWAY ON WHICH WORK IS BEING PERFORMED ADDITIONAL TRAFFIC CONTROL DEVICES SHALL BE ERECTED AS DIRECTED BY THE ENGINEER.
7. ALL VEHICLES, EQUIPMENT, WORKERS (EXCEPT FLAGGER) AND THEIR ACTIVITIES ARE RESTRICTED AT ALL TIMES TO ONE SIDE OF THE PAVEMENT UNLESS OTHERWISE AUTHORIZED BY THE ENGINEER.

X - MAY BE DECREASED TO 200' TO 350' FOR URBAN AREAS

SYMBOLS

- WORK AREA.
- SIGN WITH 18 IN. BY 18 IN. (MINIMUM) ORANGE FLAGS ATTACHED (2 FLAGS PER SIGN).
- SIGN ON PORTABLE OR PERMANENT SUPPORT.
- FLAGGER WITH PADDLE.
- FLASHING VEHICLE LIGHT.
- CONES ON 25' CENTERS MAX.

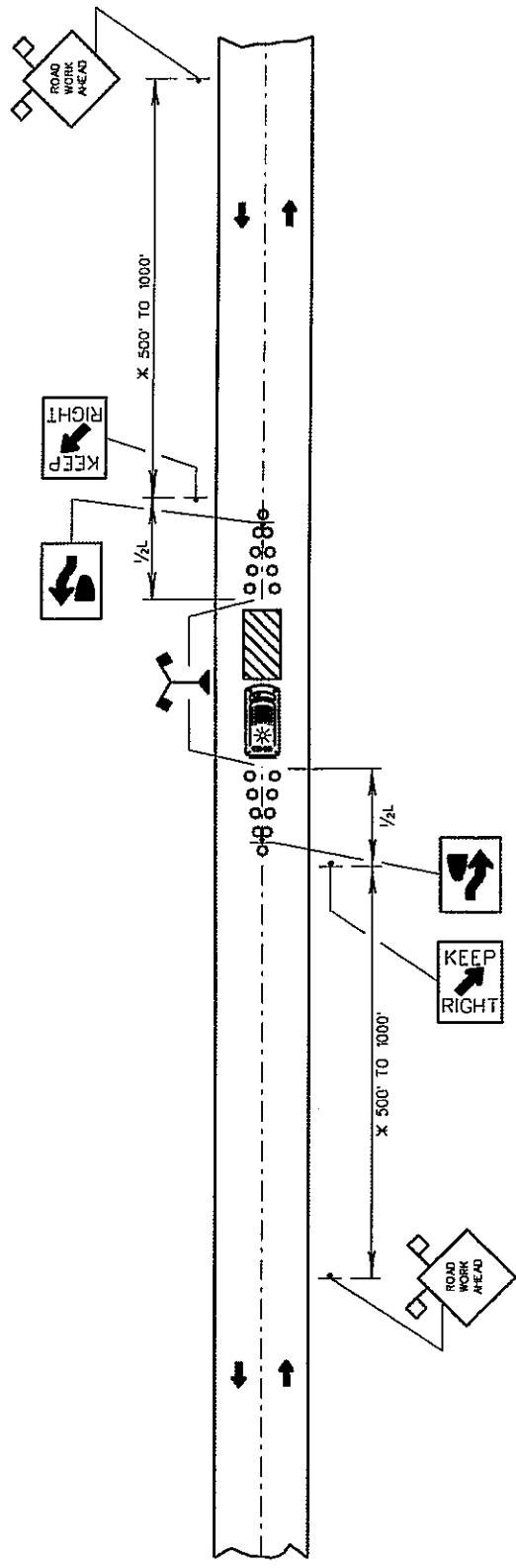
TYPICAL APPLICATIONS

UTILITY OPERATIONS ONLY

CASE C2

TWO-LANE, TWO-WAY TRAFFIC
DAYLIGHT OPERATIONS ONLY

WHERE, AT ANY TIME, ANY VEHICLE, EQUIPMENT, WORKERS OR THEIR ACTIVITIES WILL ENCROACH IN THE AREA BETWEEN THE CENTER LINE AND A LINE 2 FT. OUTSIDE THE EDGE OF PAVEMENT.



SPEED	L-TAPER (IN FEET)
25	125
30	180
35	250
40	320
45	540
50	600
55	660

GENERAL NOTES

1. THE LANES ON EITHER SIDE OF THE CENTER WORK SPACE SHOULD HAVE A MINIMUM WIDTH OF 10 FEET AS MEASURED FROM THE NEAR EDGE OF OUTSIDE EDGE OF PAVED SHOULDER.
2. WHEN NO WORK IS BEING PERFORMED, ANY UNATTENDED OBSTACLE OR EXCAVATION IN THE WORK AREA SHALL BE PROTECTED BY TYPE 1 OR TYPE BARRICADES WITH FLASHING LIGHTS (TYPE "A").
3. IF IT BECOMES NECESSARY TO OPERATE ONE LANE TRAFFIC, CASE A5 SHALL APPLY.
4. ALL VEHICLE, EQUIPMENT, WORKERS (EXCEPT FLAGGER) AND THEIR ACTIVITIES ARE RESTRICTED AT ALL TIMES TO WORK AREA UNLESS OTHERWISE AUTHORIZED BY THE ENGINEER.

* - MAY BE DECREASED TO 200' TO 350' FOR URBAN AREAS.

SYMBOLS

- WORK AREA.
- SIGN WYFF-B IN BY 18 IN. (MINIMUM) ORANGE FLAGS ATTACHED. (2 FLAGS PER SIGN).
- SIGN ON PORTABLE OR PERMANENT SUPPORT.
- CONES ON 25' CENTERS MAX.
- FLASHING VEHICLE LIGHT.

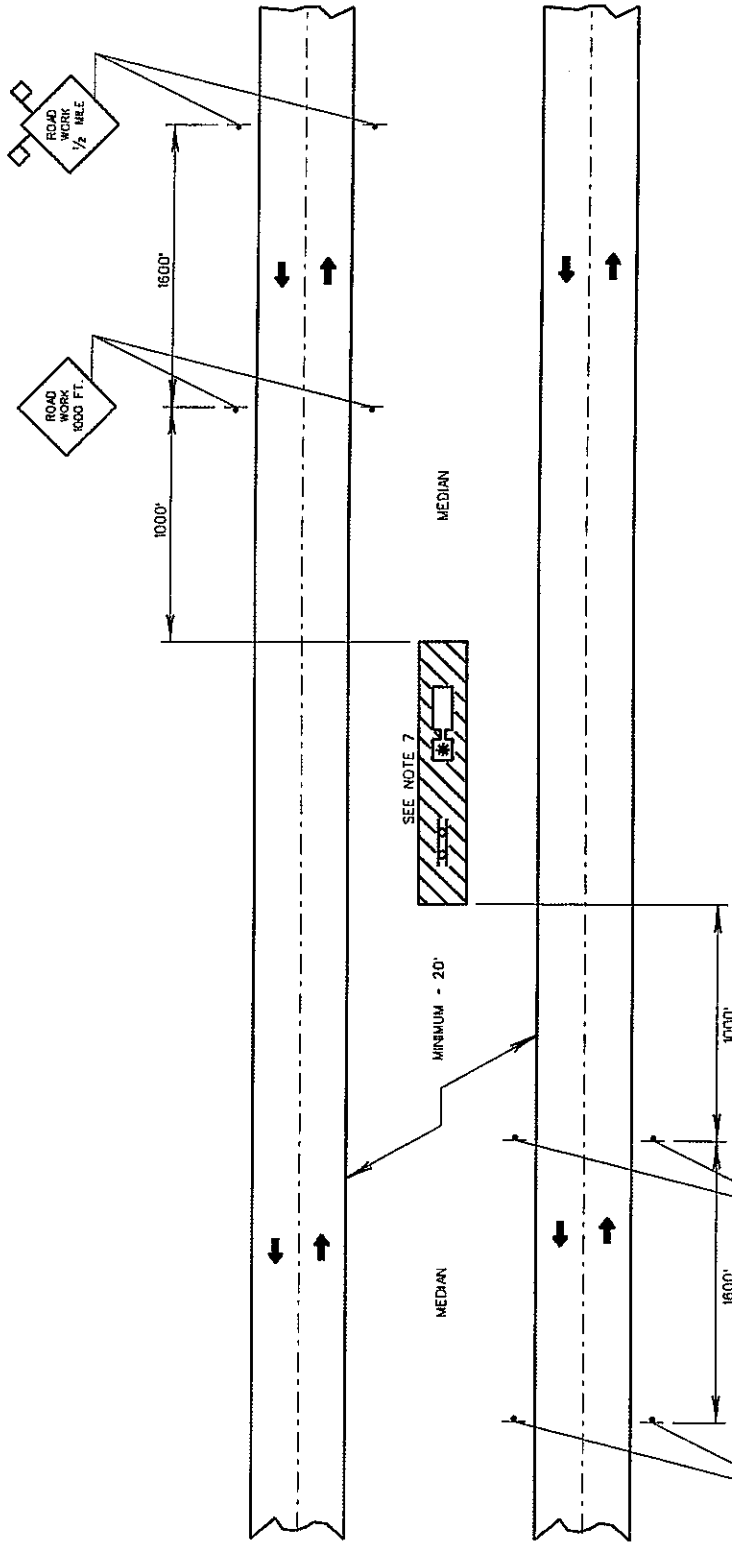
TYPICAL APPLICATIONS

UTILITY OPERATIONS ONLY

CASE C3

TWO-LANE, TWO WAY OR MULTILANE,
TWO WAY TRAFFIC UNDIVIDED,
DAY OPERATIONS ONLY.

WHERE, AT ANY TIME, ANY VEHICLE, EQUIPMENT
WORKERS OR THEIR ACTIVITIES WILL ENCRUCH
IN THE CENTERLINE AREA.



GENERAL NOTES

1. IF THE WORK OPERATION REQUIRES THAT FOUR OR MORE WORK VEHICLES ENTER THE THROUGH TRAFFIC LANES IN A ONE-HOUR PERIOD A FLAGGER SHALL BE PROVIDED AND THE FLAGGER SHALL ALSO BE USED AT 500' IN ADVANCE OF FLAGGER.
2. THIS CASE APPLIES TO WORK PERFORMED IN THE MEDIAN AREA MORE THAN 2 FT. FROM THE EDGE OF EITHER ROADWAY.
3. IF THE WORK OPERATION DOES NOT EXCEED 60 MINUTES TRAFFIC CONTROL WILL BE IN A CONFORMANCE WITH CASE A6.
4. ALL SIGNS ARE TO BE REMOVED AT COMPLETION OF WORK OR THE DAYS OPERATION.
5. UTILITY COMPANIES MAY WORK ON UTILITY CROSSINGS ON FULLY ACCESS CONTROLLED FREEWAYS UNDER EMERGENCY CONDITIONS AND BY PERMISSION OF THE WEST VIRGINIA DIVISION OF HIGHWAYS ONLY.
6. ALL VEHICLES, EQUIPMENT, WORKERS AND THEIR ACTIVITIES ARE RESTRICTED AT ALL TIMES TO ONE SIDE OF THE PAVEMENT UNLESS OTHERWISE AUTHORIZED BY THE ENGINEER.
7. TEMPORARY SUPPORT STRUCTURES SHALL BE PROTECTED BY EITHER TEMPORARY GUARDRAIL BARRIER IN CONFORMANCE WITH GUARDRAIL STANDARDS OR TEMPORARY CONCRETE BARRIER WITH STANDARD FLARE END TREATMENT AS SHOWN ON DETAIL "C".

SYMBOLS

- WORK AREA.
- SIGN WITH 18 IN. BY 18 IN. (MINIMUM) ORANGE FLAGS ATTACHED. (2 FLAGS PER SIGN).
- SIGN ON PORTABLE OR PERMANENT SUPPORT.
- TEMPORARY SUPPORT STRUCTURE
- FLASHING VEHICLE LIGHT.

TYPICAL APPLICATIONS

UTILITY OPERATIONS ONLY

CASE C4

MULTILANE, DIVIDED

WHERE AT ANY TIME ANY VEHICLE, EQUIPMENT, WORKERS OR THEIR ACTIVITIES WILL ENCRoACH IN THE MEDIAN AREA.



RIGHT-OF-WAY EXCAVATION & RESTORATION PERMIT

SCHEDULE OF FEES

Base Fee for Each Excavation permit in Public Right-of-Way - \$25.00

Additional Cost Per Square Foot of excavation on each permit - \$ 2.00

EXAMPLE 1

Permit for excavation to repair a leak

Cut Size – 3' x 5' = 15 SF

Permit Fee = \$25.00 + \$30.00 = \$55.00

EXAMPLE 2

Permit for excavation to repair a leak

Cut Size – 2 cuts (3'x 5' and 5' x 5') = 40 SF

(Cuts located less than or equal to 40' apart longitudinally)

Permit Fee = \$25.00 + \$80.00 = \$105.00

Restoration of pavement shall be done as a single patch covering entire driving lane.

EXAMPLE 3

Permit for excavation to repair a leak

Cut Size – 2 cuts (3'x 5' and 5' x 5') = 40 SF

(Cuts located more than 40' apart longitudinally)

Permit Fee = 1st Cut - \$25.00 + \$30.00 = \$55.00

2nd Cut- \$25.00 + \$50.00 = \$75.00

Total Permit Fee = \$130.00

EXAMPLE 4

Permit for excavation to replace a main

Cut Size – 2' x 100' = 200 SF

Permit Fee = \$25.00 + \$400.00 = \$425.00

Restoration of pavement shall be the lane width x 100'

SIDEWALK OR STREET EXCAVATION BOND

BOND NO. _____

Know All Men by These Presents, That we

_____ as
principal, and

_____ as security is held and
firmly bound unto THE CITY OF CHARLESTON, WV, in the just and full sum of TEN
THOUSAND DOLLARS, to the payment of which well and truly to be made we jointly and
severally, bind ourselves, our heirs, executors and administrators.

WITNESS, our hands and seals, this _____ day of _____ 2_____.

The condition of the foregoing obligation is such, that whereas, the said

_____ doing business
as a sidewalk or street excavation contractor in the CITY OF CHARLESTON, WV, under
the provisions of an ordinance in this behalf enacted.

NOW, THEREFORE, if the said
_____ shall faithfully observe all
ordinances of the City, all rules and regulations established under the authority of such
ordinances, and will not construct or alter any sidewalk, street, or city right of way in
violation of said ordinances, that they will indemnify and save harmless THE CITY OF
CHARLESTON, WV from all loss or damage that may be occasioned by accident, by the
want of care or skill on their part in the prosecution of such work, or that may be
occasioned by reason of any opening made by them in any street, alley or public place in
the making of any connection with any public or private sidewalk or street, or by an
unfaithful or imperfect work done by themselves or their employees; that they will
replace and restore the sidewalk, street, right of way disturbed by them, to as good state
and condition, according to the specifications set forth by the City of Charleston and in
accordance with the terms of the right of way excavation permit issued for said work to
as good a state and condition as they found it previous to opening the same; that they
will keep the whole of their work in good order and repair for a period of TWO YEARS
from the completion of the same, and will promptly repair the same within twenty-four
hours after notice so to do has been served upon them by the City Engineer, and that
they will pay all fines and penalties which may be imposed on them for any and all
violations of such ordinances, rules and regulations, then this obligation to be void,
otherwise to be in full force and effect.

(SEAL)

(SEAL)

(SEAL)

(SEAL)

Attachment: Power of Attorney

