Town of Ashland

RIGHT-OF-WAY PERMIT APPLICATION

APPLICATION is hereby made for permit as shown on the accompanying plan or sketch and as described below. Said activity(s) will be done under and in accordance with the rules and regulations of the Town of Ashland, in so far as said rules are applicable thereto and any agreement between the parties herein before referred to. Where applicable agreements may be attached and made a part of the permit assembly including any cost responsibilities covering work under permit. Applicant agrees to maintain work in a manner as approved upon its completion. Applicant also hereby agrees and is bound and held responsible to the owner for any and all damages to any other installations already in place as a result of work covered by resulting permit. Applicants to whom permits are issued shall at all times indemnify and save harmless the Town of Ashland, and all Town of Ashland employees, agents, and offices, from responsibility, damage, or liability arising from the exercise of the privileges granted in such permit to the extent allowed by law. In consideration of the issuance of a permit the applicant agrees to waive for itself, successors in interest or assigns any entitlements it may otherwise have or have hereafter under the Uniform Relocation and Assistant Act of 1972 as amended in event the Town of Ashland, chooses to exercise its acknowledged right to demand or cause the removal of any or all fixtures, personality of whatever kind or description that may hereafter be located, should this application be approved.

Driver's license or Tax ID number _____ **Contact Name** _____

Owner Name _____ **E-mail Address** _____

Address _____ **Phone Number (** _____ **)** _____-_____

City _____**State** _____**Zip Code**_____ **Emergency Number (** _____ **)** _____-_____

Fax Number (_____ **)** _____-_____

Driver's license or Tax ID number _____ **Contact Name** _____

Agent Name _____ **E-mail Address** _____

Address _____ **Phone Number (** _____ **)** _____-_____

City _____**State** _____**Zip Code**_____ **Emergency Number (** _____ **)** _____-_____

Fax Number (_____ **)** _____-_____

Permit Term Requested _____ **Fees Enclosed $**_____ **Check Number** _____ **Coupon Number(s)** _____

Money Order _____ **Other** _____ **Estimated cost of work to be performed on TOA Right of Way $**_____

Surety Information: **Surety Company Name** _____

Amount of Surety $ _____ **Obligation Amount $**_____

Check # _____ **Bond #**_____

[ ] Corporate Surety **[ ] Waived**

The Surety posted by Owner ( ) or Agent ( )

Surety Refunds paid to Owner ( ) or Agent ( )

Request Permission: To perform the following activity(s)

_____

_____

_____

_____as per attached plans.

Location: GPIN Number_____

Geographically in the Town of Ashland on Street_____

Between St. Name_____**And** St. Name_____

Signature of applicant or agent_____

Title _____**Date**_____

Fee (Check One): ☐ $40 Prior to 1/1/2021 **☐ $100 After 1/1/2021**

All applicable items on this form must be completed before your request can be considered. Recheck information furnished to avoid delay.
Prepayment Required - make Remittance payable to the Town of Ashland.

TOWN OF ASHLAND USE ONLY

Receipt is hereby acknowledged for: CHECK No._____ COUPON No._____ M.O. No._____

In The Amount of $_____ for Permit Fee $_____ Cash Surety $_____

Authorized Signature:_____ Date_____

Revised 09/2020

Town of Ashland
Department of Public Works
5/2009

TOA-LUP-SP
RIGHT OF WAY PERMIT
Special Provisions

NOTICE OF PERMITTEE LIABILITY
Permittee Agreement for Right-of-Way Permit

I the undersigned Permittee/Agent, acknowledge that I have read and I am fully cognizant of all of the following requirements for permit issuance.

Permittee Name _____

Permittee
Signature_____Date_____

Any of the following provisions, which can apply, shall apply:

1. Permittee acceptance and use of a *Town of Ashland* (Town) Right-of-Way Permit is prima facie evidence that the Permittee has read and is fully cognizant of all required permit provisions, applicable traffic control plans and associated construction standards to be employed. **ALL** applicants to whom permits are issued shall at all times indemnify and save harmless the *Town Council*, members of the Council, the *Town*, and all town employees, agents, and officers, from responsibility, damage, or liability arising from the exercise of the privileges granted in such permit to the extent allowed by law.

2. The Permittee agrees to secure and carry insurance against liability for personal injury and property damage that may arise from the work performed under permit and/or from the operation of permitted activity-up to one million dollars ($ 1,000,000) each occurrence to protect the Council Members and Town's agents or employees; seventy-five thousand dollars ($75,000) each occurrence to protect the *Council*, or the *Town* in event of suit.

3. The Permittee assumes full responsibility for any and all damages (*e.g.*, downstream flooding, erosion, siltation, etc.) that may occur as a result of the work performed under this permit. Furthermore, the Town will in no way be responsible for any damage to the facility being placed as a result of future maintenance or construction activities performed by the Town.

4. The Permittee agrees to move, remove, alter, or change any installation that interferes with the ultimate construction of the roadway in alignment or grade <u>without cost to the Town</u> unless otherwise stipulated and agreed to by the Town.

5. The Permittee shall immediately have corrected any situation which may arise as a result of these installations that the Director of Public Works or his/her representative deems hazardous to the traveling public.

6. Any and all roadway signs, *Right-of-Way* markers, etc., disturbed as a result of work performed under this permit shall be accurately reset by the Permittee immediately following the work in the vicinity of the disturbed facility. The services of a certified land surveyor with experience in route surveying may be required.

7. It shall be the Permittee's responsibility to obtain **ANY** and **ALL** necessary permits that may be required by any other government agencies, e.g., *Corp. of Engineers, Dept. of Environmental Quality, Soil Conservation Services, etc.*

8. A copy of the permit shall be kept on-site at all times.

9. The Permittee is required to notify the Department of Public Works at **<u>least 48 hours</u>** in advance of **ANY** proposed work commencing.

10. The Permittee is required to notify the Department of Public Works when planned excavation is within 1,000 feet in the vicinity of a signalized intersection. Failure to carry out this requirement may result in the permit being **revoked**.

11. The Permittee must possess a "cleared" utility ticket from ***"Miss Utility of Virginia"*** prior to beginning any excavation activities under this permit. Failure to carry out this requirement may result in this permit being **revoked**.

12. The Town will assign an Inspector to the project.

13. The absence of an Inspector does NOT in any way relieve the Permittee of his/her responsibility to perform the work in accordance with the approved plans and provisions of the attached permit and the VDOT ***Road and Bridge Standards*** (current edition), the VDOT ***Road and Bridge Specifications*** (current edition), and the Town of Ashland Code. No changes shall be made without approval of the Director or Public Works or his/her representative.

14. It is the duty of the Director of Public Works or his/her representative to keep all roadways maintained in a safe, travelable condition at **ALL** times. Therefore, any permit may be **denied**, **revoked** or **suspended**, when in the opinion of the Director of Public Works or his/her representative, the safety, use or maintenance of the roadway so requires.

15. The Permittee shall at ALL times give strict attention to the safety and rights of the traveling public, her/his employees and herself/himself. The Town **reserves the right to stop work at anytime** due to safety problems and/or noncompliance with the terms of the permit. The Town may, at its discretion, complete any of the work covered in the permit or restore the *Right-of-Way* to Town's standards and bill the Permittee for the actual cost of such work. The Permittee may be required to move, alter, change or remove from the Town's *Right-of-Way*, in a satisfactory manner, any installation made on the *Right-of-Way* under this permit.

16. All work performed under this permit on the Town's *Right-of-Way* shall be subject to the Town's direction, and shall be in accordance the VDOT ***Road and Bridge Standards*** (current edition), the VDOT ***Road and Bridge Specifications*** (current edition) and the Town of Ashland Code, and shall be performed to the satisfaction of the Director of Public Works or his/her representative.

17. Design changes, specified material changes and/or field changes from the approved plans need to be submitted to the Department of Public Works prior to proceeding with the work. A letter of explanation shall accompany the revised design plans and/or engineering calculations, which must be submitted to the Town for review and approval by the Department of Public Works.

18. The permittee shall meet or exceed the existing pavement and sub-base typical section when constructing pavement widening adjacent to an existing Town maintained roadway. The proposed typical section must be reviewed and approved by the Director of Public Works or his/her representative prior to commencing with any work within Town maintained right-of-way. **ALL** pavement widening shall be in accordance with ***VDOT Road and Bridge Standard 303.02*** and Town requirements.

Traffic Control and Safety Procedures:

19. Traffic shall NOT be blocked or re-routed (detoured) without **written** permission from the Director of Public Works or his/her representative. Where one-way traffic is permitted to be maintained, it shall be properly flagged 24 hours per day by a **trained, certified flagperson**. A certification card is required for any person flagging within the Town's *Right-of-Way*.

20. During construction, the Permittee shall furnish ALL necessary signs, flagpersons and other protective devices (lights, barricades, etc.) for protection of traffic and workers in accordance with the specifications of the ***Virginia Work Area Protection Manual*** or as directed by the Director of Public Works or his/her representative. All signs shall be in accordance with the current edition of the ***Manual of Uniform Traffic Control Devices (MUTCD)***. Trained, certified flagpersons shall be provided in sufficient number and locations as necessary for control and protection of vehicular and pedestrian traffic in accordance with ***MUTCD***. Flagpersons shall use sign paddles to regulate traffic in accordance with ***MUTCD***.

21. Certification card shall be carried by the flagperson while performing duties. A flagperson found not in possession of his/her certification card shall be removed from the flagging site and the Director of Public Works or his/her representative will suspend operations requiring flagpersons. Furthermore, flagpersons performing duties improperly shall have their certification **revoked**.

22. No excavated material is to be placed or tracked on the pavement, without **written** permission of the Director of Public Works or his/her representative. When so permitted, the pavement shall be satisfactorily cleaned by an approved method. No cleated (track-mounted) equipment is to be used on the pavement, without proper protection to the pavement.

Hours and Days of Work

23. Permittee is authorized to perform work that involves lane closures and/or impede/stop traffic **only** between the hours of 9:00 a.m. to 3:30 p.m. Monday through Friday. The permit will not be valid from 12:00 noon on the weekday preceding and through the following holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day. If the observed holiday falls on Monday, the permit will not be valid from 12:00 noon on the preceding Friday through the holiday. Additional restrictions on allowable work hours may apply depending on location, time of year, or other factors. Any variance in times of work must be obtained from the Director of Public Works or his/her representative.

Excavations:

24. OSHA requires shoring for any excavation four feet (4') or more in depth.

25. When not utilizing shoring, excavations are to be sloped accordingly.

26. A licensed Professional Engineer shall certify all shoring and/or trenching boxes.

Inspection and Restoration

27. Inspection and testing of all fill embankments, storm sewer and utility trench backfill shall be performed in accordance with all applicable sections of VDOT's ***Road and Bridge Specifications*** (current edition).

28. A licensed geotechnical engineer (or certified technician under the direction of a licensed geotechnical engineer) shall observe the placement of all fill embankments, and storm sewer and utility trench backfill.

29. The permittee may retain services of licensed geotechnical engineer (or technician under the direction of a geotechnical engineer) to perform required inspection and testing, or,

30. All testing reports and engineer's certification shall be submitted to the Town for review and approval prior to completion of the Right-of-Way Permit.

31. The permittee shall be responsible for correcting any settlement of backfill or pavement for a period of three (3) years after completion of work.

32. Where pavement exists, all crossings shall be bored, pushed or jacked from back-of-ditchline to back-of-ditchline or toe-of-fill to toe-of-fill. The pavement shall **NOT** be cut unless otherwise approved by the Director of Public Works or his/her representative and then only if justifiable circumstances prevail or proof is shown that a thorough attempt has been made to push, bore or jack.

33. Whenever the pavement is permitted to be cut, not over one-half of the roadway width shall be disturbed at one time; the first opening shall be completely restored to satisfactory, travelable condition before the second half can be opened. The permittee shall mill and resurface **ALL** (asphalt) concrete roadways; and resurface all other roadway with like material that exists. Whenever the pavement is permitted to be cut, the provisions of LUP-OC shall apply. Where the pavement is disturbed or deemed weakened in its entirety or such portions as deemed desirable by the ***Town***, the pavement shall be restored or replaced in a manner that is satisfactory to the Director of Public Works or his/her representative. The "Pavement Patching Detail for small openings" shall apply for cuts 2' x 2' or smaller (e.g., potholes for utility location).

Environmental

34. The permittee is responsible for pursuing and obtaining any and all environmental permits which may be required to pursue the proposed activity prior to any work beginning within Town right of way.

35. In the event the permittee encounters hazardous materials or underground storage tanks within the right of way in the pursuit of his activities, the permittee is responsible for ceasing all work within the site and notifying the Town and other responsible groups, i.e. local fire department, emergency services, Virginia Department of Environmental Quality, etc. The applicant is responsible for coordinating and completing all remedial/removal activities required in order to properly complete the proposed activities within the Town right of way.

36. In the event the permittee encounters cultural resources, archaeological, paleontological, and rare minerals, within the right of way in the pursuit of his activities, the applicant shall act immediately to suspend work at the site of the discovery and notify the Town. The permittee is responsible for notifying the proper state authority charged with the

responsibility for investigating and evaluating such finds. The permittee will meet all necessary requirements for resolving any conflicts prior to continuing with the proposed activities within the Town right of way and shall provide evidence of such compliance to the Town.

37. Roadway drainage shall **NOT** be blocked or diverted. The shoulders, ditches, roadside and drainage facilities, as well as the pavement, shall be kept in an operable condition satisfactory to the Town. Necessary precautions shall be taken by the permittee to insure against siltation of adjacent properties, streams, etc., in accordance with State Law and the Town Code.

Entrances

38. Road and street connections, private entrances, and construction entrances are to be kept in satisfactory condition. Entrances shall NOT be blocked. Ample provision must be made for safe ingress and egress to adjacent property at all times. Where entrances are disturbed they shall be restored to the satisfaction of the property owner and the Director of Public Works or his/her representative

39. The permittee is responsible for determining the correct size of each entrance pipe through the submittal of engineering calculations to the Town for review and approval.

Utilities

40. Prior to any excavation, the permittee shall comply with the terms of Title 56, Chapter 10.3 of the ***Underground Utility Damage Prevention Act*** and Section 56-265.14 through 56-265.20 of the ***Code of Virginia***. This permit does **NOT** grant permission to grade on or near property of others, or, adjust or disturb in any way existing utility poles or underground facilities within the permitted area. Permission to do so must be obtained from the impacted utility company and any expense involved shall be borne by the permittee. **Any conflicts with existing utility facilities must be resolved between the permittee and the utility owner(s) involved**.

41. All underground utility crossings and parallel installations shall have a minimum cover of 36 inches except underground telecommunications cables placed adjacent to the outside edge of the right-of-way line and beyond of ditch line shall have a minimum of 30 inches cover. All other underground facilities shall have a minimum cover of 36 inches.

42. Where feasible, all aboveground installations (such as fire hydrants, telephone pedestals, markers, etc.) shall be located adjacent to the outside edge of the right-of-way line and in accordance with minimum clear zone requirements. Tops of all manhole covers, valve boxes, etc., in paved areas or shoulders shall be at finished grade and shall conform to road grades. Tops of all manhole covers, valve boxes, etc., outside paved areas shall be in accordance with Hanover County Water & Sanitary Sewer Standards.

43. No poles, guys, anchors, etc., are to be placed in Town maintained right-of-way unless so indicated and approved on this permit. At no time will any such facilities be allowed between the ditch line and the traveled roadway.

44. **ALL** overhead crossing(s) shall conform to the requirements of the ***National Electrical Safety Code*** (current edition). The vertical clearance of the lowest wire or cable crossing shall not be less than 18 feet for crossing all primary and secondary roads, and entrances.

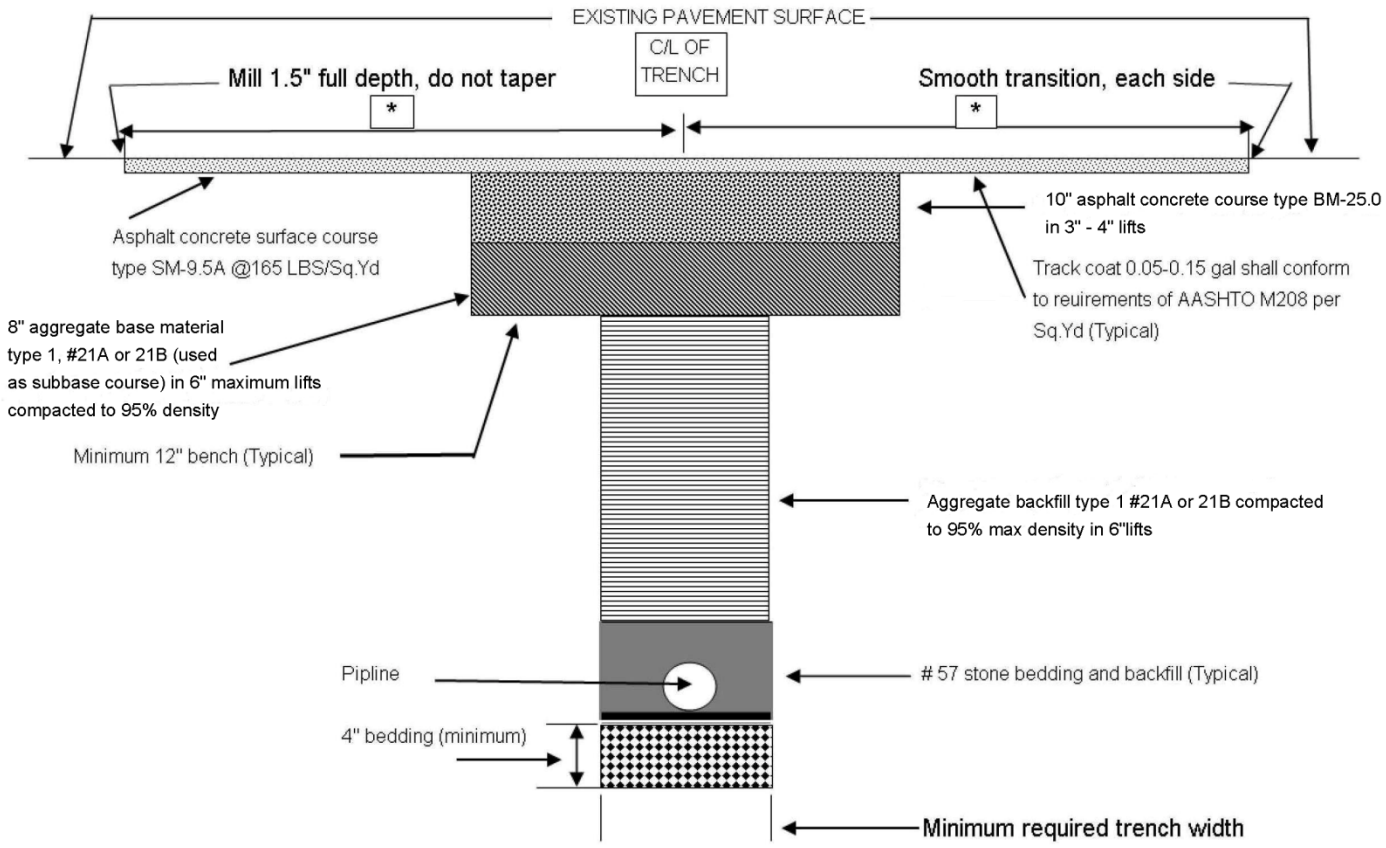
Final Inspection and Completion of Permit

45. Upon completion of the work covered by this permit, all disturbed areas outside of the roadway prism shall be restored to their original condition as found prior to starting such work.

46. Completion of this permit is contingent upon the permittee's compliance with **ALL** governing bodies involved in the total completion of work on Town maintained right-of-way.

47. The permittee is required to notify the Town upon completion of work covered by the attached Right of Way Permit to request a final inspection.

Pavement Patching Detail



Notes:

- All pavement markings damaged or destroyed by trench excavation activity shall be replaced by the permittee in accordance with current VDOT Standards & Specifications
- This detail applies to roadways with existing asphalt pavement sections
- The extent of pavement restoration for all other pavement types shall be determined by the Director of Public Works or his/her designee.

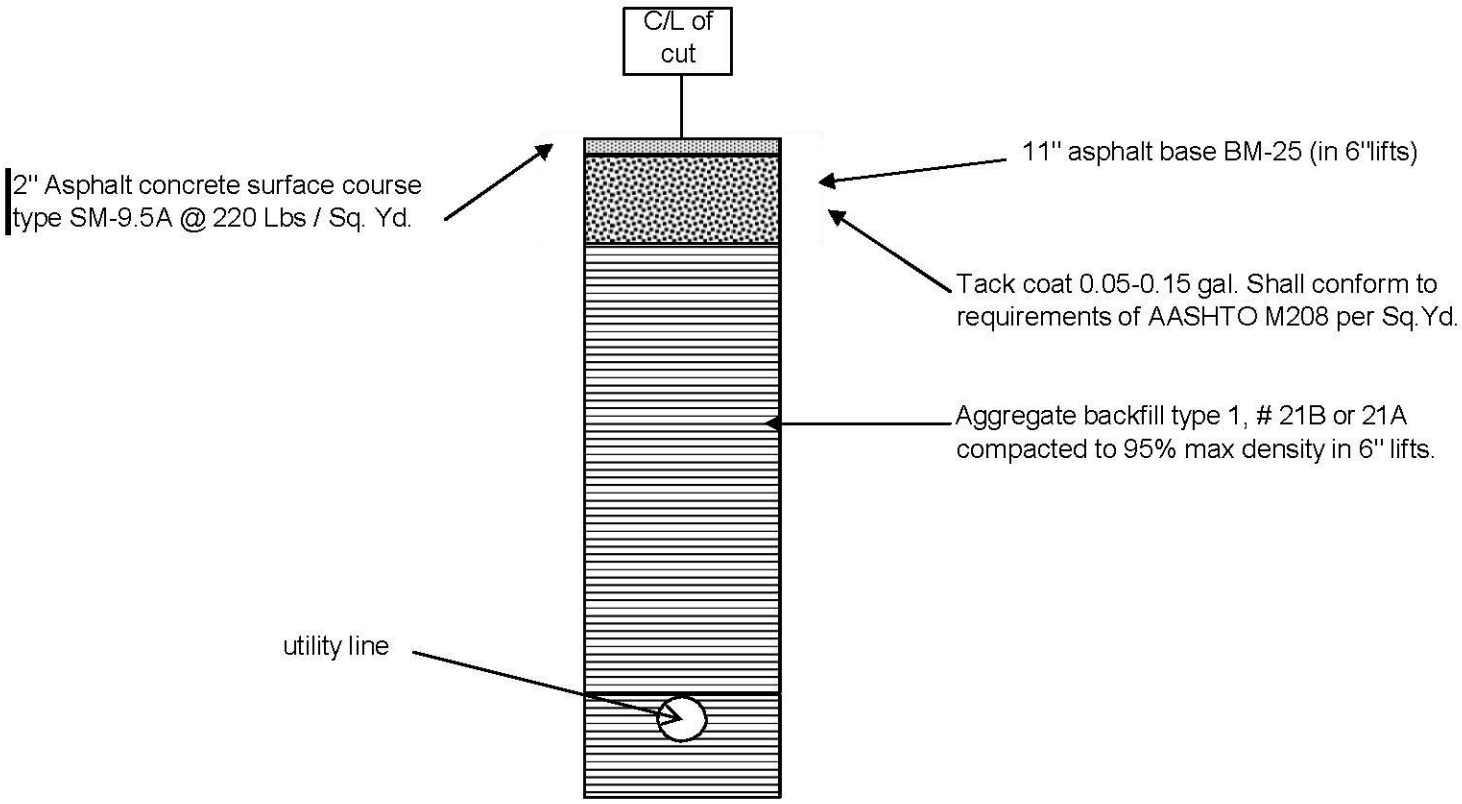
* Width of travel lane; minimum full pavement width restoration for open cut trenching along the road centerline or for perpendicular crossing as follows (or as determined by Director of Public Works or his/her designee):

- Local and residential road – 10’ minimum
- Collectors and arterials – 25’ minimum

Pavement Patching Detail for small openings (1' x 1' max)

VDOT-Ashland Residency

No cold patch authorized



All pavement markings damaged or destroyed by construction will be replaced per VDOT specifications.

Not to scale