

PERMIT TO ENTER STREET

RULES AND REGULATIONS

PERMIT

Except in an emergency, no person, business, governmental agency, or public service company except officers of the Town in the lawful performance of their duties and those acting under their order shall obstruct any sidewalk or street, or any part thereof or break, dig or excavate or assist in breaking, digging up or excavating any part of public street, highway or Town way unless said person, business, governmental agency or public service company has obtained a written permit from the Somerset Highway Department. Every person receiving such a permit shall execute a written agreement to indemnify and save harmless the Town against all loss, damage, or cost suffered or claimed on account of the existence of such obstruction or excavation, and shall leave the street or way at the completion of work in as good condition as the same was before the work commenced.

PERMIT FEES

Permit Fees for Town Roads with OVER 5 (five) year's moratorium-Fee: \$125.00/Permit

Any work to be performed within the layout of a public roadway must also be permitted through the Town of Somerset Highway Department. An application for "Permit to Enter Street" must be completed and approved by the Superintendent of the Highway Department before the roadway is disturbed. The contractor must notify Dig-Safe and other appropriate agencies at least 72 hours prior to excavation (Unless an emergency dig safe permit is obtained).

Permit Fees for Town Roads with UNDER 5 (five) year's moratorium-Fee: \$250.00/Permit

The rules and regulations of this permit will ONLY be applied to EMERGENCY UTILITIY or other mandated repairs on Town roads under 5 years moratorium. The following guidelines and materials must be followed:

- Flowable Fill Mix – Used on all Trenches (Water & Sewer). Gas Repairs are excluded.
- Large patches will consist of curb to curb paving.
- Small patches will consist of infrared trench patches or be milled one foot around edges of trench then repaved. It is at the Superintendent's discretion to decide which method would be best.
- Use of Hot Mix – 2 (two) inches of dense binder and 1.5 inches of top surface must be used for all trenches.

- Contractors shall replace and restore the portion of any Town highway, street, road, right-of-way, property etc., in which such applicant and/or its agents shall make any excavation, to as good or better a condition as that in which the same was before such work was performed. Contractors shall guarantee the work for minimum of twenty four (24) months. The Superintendent of Highway Department shall approve the permanent trench patch, and any failure/defect in the work performed shall be corrected by the contractor within 24 hours' notice unless otherwise approved by the Superintendent of the Highway Department. The Superintendent of the Highway Department reserves the right to suspend any future permits if there are any unresolved issue with the contractor(s)

BOND

Every person, business, governmental agency, or public service company except officers of the Town in the lawful performance of their duties and those acting under their order shall furnish a bond to be filed with the Town Treasurer in the sum of ten thousand dollars (\$10,000) with one or more sureties satisfactory to the Superintendent of the Highway Department when application is made for a permit. This bond will ONLY cover work done up to and not to exceed 4 (four) patches for the same trench. Bond shall condition substantially that the applicant shall indemnify and save harmless the Town and/or its agents for all suits and actions of every name and description brought against the Town and/or its agents for, or on account of, any injuries or damages received or sustained by any person in consequence of, or resulting from, any work performed by such applicant and/or its agents, or of, or from, any improper materials used in such work, or from any negligence in guarding such work, or of, or from any act or omission of such applicant and/or its agents; that such applicant shall faithfully perform such work in all respects and shall replace and restore the portion of any Town highway, street, road, right-of-way, property etc., in which such applicant and/or its agents shall make any excavation, to as good or better a condition as that in which the same was before such work was performed. Bond shall remain in effect until such time as the Superintendent of Highway Department shall accept the permanent trench patch, and shall be for a minimum of twenty four (24) months. Only one bond from each applicant shall be required for each year a permit is obtained.

PROTECTION OF PUBLIC

The applicant shall execute the work in such a manner as to interfere as little as possible with the public travel; shall provide railings or other suitable barricades to exclude persons and animals from trenches and obstructions and to prevent accident or injury to workers, other persons, vehicles, or animals; shall cause a sufficient number of amber flashing electric lights to be activated at or near the works from one half hour before sunset to one half hour after sunrise; shall furnish, set, and maintain "Street Closed" "Dangerous", "Detour" or such other signs as may be necessary for the convenience of traffic; and shall employ qualified flaggers or

police officers or additional safeguards when and as necessary. Flaggers or police officers shall be employed when the applicant's operations reduce traffic to less than two-way or if needed to provide a safe work environment. All traffic control and work zone safety operations shall be in compliance with Chapter VI of the latest edition of the Manual of Uniform Traffic Control Devices and shall be subject to the approval of the Superintendent of the Highway Department.

LIABILITIES/INSURANCE

1. Laws and Regulations:

The applicant, in the prosecution of the work shall comply with all Federal, State, and Local Laws, regulations and by-laws as applicable whether specifically mentioned herein or not. Applicant shall be responsible for securing all necessary permits and licenses.

2. Liability:

The applicant shall indemnify and save harmless the Town and/or its agents for expenses which the town, applicant and/or their agents may suffer by, from, or out of any and all claims for payment for materials and labor used and employed in the execution of the work and also for injuries or damages received or sustained to person and/or property in consequence of, or resulting from any work performed by said applicant and also from negligence in guarding the work and also from any act or omission of said applicant. Applicant shall save harmless the Town and/or its agents from all claims under Workmen's Compensation Act arising from this work.

3. Insurance:

Utility companies performing emergency and routing work are required to have on file with the Town of Somerset a copy of their current insurance rider which should be updated upon policy renewal. The applicant and all subcontractors shall carry insurance for the entire duration of this work, including the maintenance period provided herein with an insurance company authorized to write insurance in the Commonwealth of Massachusetts against the following risks in not less than the amounts indicated herein.

- a. Comprehensive General Public Liability and Property Damage Liability Insurance. The applicant shall carry Comprehensive General Liability (\$1,000,000) for all damages arising out of bodily injuries to or death of one person, and subject to that limit for each person, a total limit of not less than three million dollars (\$3,000,000) for all damages arising out of bodily injuries to or death of two or more persons in any one accident. The applicant shall carry Contractor's Comprehensive Property Damage Liability Insurance providing for a limit of not less than one million dollars (\$1,000,000) for all

damages arising out of injury to, or destruction of, property during the policy period.

- b. Workers' Compensation Insurance as required by Massachusetts Law.
- c. Certificates of the insurance company in a standard form for the coverage indicated above must be furnished to the Superintendent of the Highway Department before the applicant begins work on the site. Should any insurance expire or be terminated during the period in which the same is required by these regulations, the Superintendent of the Highway Department shall be notified. Such expired or terminated insurance must be replaced with new insurance, and a new certificate furnished to the Superintendent of the Highway Department.

NOTICE BEFORE STARTING WORK

1. Except in an emergency, the permittee shall notify the Police Department and Fire Department a minimum of twenty-four (24) hours prior to performing any work. This notice must include any proposed detours where road traffic will be affected.
2. Permittee shall notify "Dig Safe" at 1-800-322-4844 and the Somerset Water Department at 508-674-4215 and the Somerset Wastewater Department at 508-646-2838 a minimum of seventy two (72) hours prior to any excavation unless there is an emergency condition. Advance contact with the above is recommended during the planning of any work.
3. Notice of starting work by the permittee to the Superintendent of the Highway Department shall be provided as far in advance of performing any work as is possible but a minimum of twenty-four (24) hours in advance unless there is an emergency condition.

CORRECTING UNSATISFACTORY WORK

1. The Superintendent of the Highway Department or his designee is empowered to inspect, or cause to have inspected, at any time, any or all work being or having been performed under a permit issued under these regulations.
2. If, in the opinion of the Superintendent of the Highway Department or his designee, the work being performed or that has been performed does not meet the specifications and conditions as approved or required in the permit or regulations, the permittee shall correct or cause to have corrected such conditions commencing work within twenty-four (24) hours of notification to make such corrections unless a longer period of time is allowed by the Superintendent of the Highway Department.
3. Completed work from which equipment and material have been removed will be subject to the same conditions as those cited in the foregoing paragraph except that corrective work shall commence within five (5) days of notice of correction from the

Superintendent of the Highway Department and shall be completed within twenty (20) days of the date of said notice. If permittee fails to complete said corrective work as required, the Superintendent of the Highway Department as a consideration for the granting of the permit, is authorized to proceed with such corrective work, and the cost of the same shall be paid by the permittee within thirty (30) days of billing.

4. Failure to perform or cause to have performed corrective measures as outlined above may result in denial of further permits to the applicant.

PERIOD OF RESPONSIBILITY

The Superintendent of the Highway Department may order for cause, corrections to all work pursuant to a permit granted under these regulations for a period of twenty-four (24) months from the date of completion of permanent trench patch.

EXCEPTIONS

When immediate excavation is necessary due to an emergency situation, work may proceed without a permit provided that notice of the excavation shall be given to Police Department, Fire Department, and Superintendent of the Highway Department before commencing work.

PROTECTION AND LOCATION OF UTILITIES

1. During the progress of work, all utilities, drains, and structures located under and above the ground shall be properly protected from damage or injury. Permittee shall be responsible for said protection and shall be liable for any and all damages, repairs, and claims resulting from a failure to protect said utilities, drains, and structures.
2. Required minimum clearances as outlined by specific utility company guidelines shall be followed unless a waiver of said clearance by the involved utilities is provided to and approved by the Superintendent of the Highway Department in writing.
3. All utilities shall be located within the Town right-of-way according to accepted Town standards subject to the approval of the Superintendent of the Highway Department.
4. All utilities are located within the Town right-of-way at the sole permission of the Town. Subsequent relocation of said utilities as may be required by the Town shall be accomplished at the sole expense of the utilities involved, and approved by the Superintendent of the Somerset Highway Department.

EXCAVATION

1. All installations are to be made by open trenching or jacking operations. Tunneling shall not be permitted except by special permission.
2. Permittee shall saw-cut the pavement in neat, straight, parallel lines prior to any excavations. Saw-cut must penetrate completely through the pavement. Pavements shall not be subjected to blows from a hammer or dropped weight.

3. All excavated materials shall be compactly piled and shall not interfere with public travel to any greater extent than necessary. If required, excavated materials must be loaded in trucks and removed from the sight. All materials removed from the work site must be disposed of in an acceptable manner in an approved disposal site. Permittee shall be responsible for all material disposals.
4. Cable, electrical and telephone utility service lines are to be installed in an approved conduit under traveled roadway surfaces when open excavation is performed. Said conduit is to extend approximately two and one half (2.5) feet beyond the roadway surface. Unless otherwise specified by the utility, a four (4) inch PVC pipe with two thousand (2,000) pound minimum crush is required. Pipe joints must be properly connected to prevent separation, the ends of the conduit sealed with mortar, and the conduit properly bedded as herein further required.

COLOR CODED MARKING TAPE

1. A color coded and magnetic detectable marking tape shall be placed a minimum of eighteen (18) inches and a maximum of thirty (30) inches below the final grade above all underground utility installations except storm drains and sanitary sewers running in straight lines between catch basins and manholes which identify the underground installation.
2. Tape shall be durable non-degradable plastic with moral strip not less than two (2) inches wide by four thousandths (0.004) inches thick and in the following colors for the particular underground utility.

Red – Electric

Orange – Communications

Yellow – Gas or Oil

Blue – Water

Green – Sewer

BACKFILL OF TRENCHES

1. Back fill in trenches within the right-of-way limits shall be placed in layers not exceeding twelve (12) inches in thickness and should be lightly or just moistened (+/- 2% optimum moisture content) and tamped with a mechanical tamper to the satisfaction of the Superintendent of the Highway Department.
2. All materials used for backfilling of road sub base shall be subject to the inspection and approval of the Superintendent of Highway Department, and if, in his opinion, the excavated materials are unsuitable for backfill, the permittee shall be required to dispose of the unstable material and substitute approved materials in the amounts and proportions specified by the Superintendent of the Highway Department. At no time will frozen material be used for backfilling.

3. Bedding materials and methods for each particular utility line shall be as determined by the affected utility. A minimum of twelve (12) inches of select material with no stones be placed under, over and on the sides of each utility line.
4. Must a minimum of twelve (12) inches of compacted bank run gravel and two (2) inches of compacted processed gravel shall in place under all permanent trench patches and infrared trench patches as herein later described. Gravel shall be placed and compacted during backfill or trenching operations. It will not be permissible to backfill trenches and re-excavate to place gravel. Permittee must schedule work accordingly.

TEMPORARY TRENCH PATCH

1. Upon completion of trench backfill, the surface of the trench shall be paved with a minimum of two (2) inches compacted hot or cold mix asphalt as required. No trench will remain open or unpaved overnight and the permittee must schedule operations accordingly, however the Superintendent of the Highway Department may make special exceptions for long term projects. The permittee shall maintain the temporary patch for a minimum of thirty (30) days and a maximum of one hundred eighty (180) days unless an extension is approved by the Superintendent of the Highway Department. During that period, the permittee shall inspect the trench at such regular intervals as may be necessary to maintain the trench in a satisfactory condition. The permittee shall make necessary repairs to maintain the trench in a condition satisfactory to the Superintendent of the Highway Department, and in the event that permittee fails to make such repairs the Town may make such repairs as are deemed necessary, and the permittee shall pay the full cost of this work within thirty (30) days of billing. Failure on the part of the Town to give notice that repairs are needed shall not relieve the permittee of any of the regulations set forth herein. Thereafter the permittee shall maintain and/or replace pavement as necessary to conform to the permit requirements and these regulations.

PERMANENT TRENCH PATCH

1. At the end of the maintenance period as described above, the permittee shall replace the temporary trench patch unless instructed otherwise by the Superintendent of the Highway Department.
2. Permanent patch shall be placed a minimum of eight (8) inches wider than each edge of the excavated trench. If required by the Superintendent of the Highway Department, the trench edges or portions thereof will be re-cut by the permittee to maintain straight edges a minimum of eight (8) inches wider than the excavated portion of the trench.
3. Surrounding pavement surfaces shall be cleaned prior to any permanent patching activities. A tack coat (RS-1 emulsion or equal) shall be applied to the vertical faces of the existing pavement prior to placing permanent patch.

4. The permanent patch shall be Class I Bituminous Concrete as specified in the Commonwealth of Massachusetts, Department of Public Works, and Standard Specifications for Highways and Bridges, 1988 Edition as amended. Patch material shall be equivalent in thickness to the existing abutting pavement, but compacted layers of a minimum of one and one half (1 ½) inches and maximum of three (3) inches. Top Course Bituminous Concrete shall be used on the surface and Dense Binder Course bituminous concrete on underlying layers. Mechanical compactors shall be permitted for patches less than five (5) square yards. Patches exceeding five (5) square yards shall be rolled with a power driven roller weighing a minimum of one (1) ton.
5. Settlements or depressed areas in the permanent patch exceeding one half (1/2) inch as determined by the Superintendent of the Highway Department or his designee within two (2) years of the permanent trench patch installation shall be repaired by the permittee. If the permanent patch fails in any other manner as determined by the Superintendent of the Highway Department within two (2) years of the permanent trench patch installation, the permittee shall make required repairs. In the event that permittee fails to make such repairs the Town may make such repairs as are necessary, and the permittee shall pay the full cost of this work within thirty (30) days of billing.

INFRARED TRENCH PATCH

1. As may be required by the Town on road surfaces with a good paved surface, the trench shall be repaired by the infrared method. Any person, business, governmental agency, or public service company performing infrared patching must be fully qualified and properly equipped in the opinion of the Superintendent of the Highway Department to complete the work expeditiously and in a satisfactory manner.
2. A temporary trench patch will not be required. The trench shall be patched as described above by Permanent Trench Patch. At the end of a thirty (30) to one hundred eighty (180) day waiting period, the permittee shall perform or cause to have performed infrared patching in the following general manner:
 - a. Areas to be repaired shall be swept clean to remove all loose and foreign materials.
 - b. An approved infrared heater not exceeding 15,000 BTU's per square foot per hour shall be positioned over the area to be repaired for a period of time required to soften the surface course of the existing pavement, approximately one and one half (1 ½) inches to two (2) inches. The area heated shall extend beyond the perimeter of the existing trench patch a minimum of twelve (12) inches. Oxidation of the pavement, caused by excessive heat as determined by the Superintendent of the Highway Department shall be removed and replaced with new Top Course Bituminous Concrete.

- c. The heated area is to be scarified to loosen the existing patch. Approximately three (3) inches of heated perimeter patch shall be scarified and the remaining nine (9) inches left intact.
- d. A recycling agent admixture shall be added to the softened patch after scarification and the patch shall be raked to a workable condition.
- e. Any necessary additional bituminous concrete mix must be obtained from a suitable heated storage unit required to keep asphalt at near constant temperature throughout the working day. Under no circumstances is any asphalt mix to be used that registers a temperature of under 200 degrees F.
- f. After the paving mixture has been properly admixed and raked to grade, compaction shall be obtained by use of a steel wheeled roller of at least two tons to establish a uniform density comparable to that of adjacent surface within the work area. Finished patch shall be level with no depression retaining water on any of its surface.
- g. Edges of the finished area shall be sealed with a suitable asphalt emulsion RS-1 or equal, around the perimeter of the newly repaired area.
- h. A cationic maltenes emulsion sealant shall then be hand sprayed on the patched area and adjacent edges at the approximate rate of one tenth (0.1) gallon per square yard to seal the entire newly treated area. Sand shall be spread over the newly sealed area to prevent tracking.
- i. Settlements or depressed areas in the infrared patch exceeding one half (1/2) inch as determined by the Superintendent of the Highway Department within two (2) years of the infrared trench patch installation shall be repaired by the permittee. If the infrared patch fails in any other manner as determined by the Superintendent of the Highway Department within two (2) years of the infrared trench patch installation, the permittee shall make required repairs. All repairs are to be made utilizing the infrared trench patch method. In the event that permittee fails to make such repairs the Town may make such repairs as are necessary, and the permittee shall pay the full cost of this work within thirty (30) days of billing.

MATERIAL SPECIFICATION

*See Mass Highway Specifications attached.

OTHER RESTORATIONS

It is the responsibility of the permittee to restore any and all public (and private) property damaged or altered during construction. This shall include, but not be limited to: curbing, lawns, driveways, shoulders, ditches, median strips, walls, boundaries and other marginal parts of the right-of-way. All properties and/or facilities must be left in as good condition as, or

better condition than existed prior to work commencement. All restorations shall meet the approval of the Superintendent of the Highway Department or related utility. If the permittee fails to make all restorations as are required, the Town may make such restorations as are necessary and the permittee shall pay the full cost of this work within thirty (30) days of billing.

WORK ON PRIVATE PROPERTY

Nothing in these regulations or the permit shall give the permittee permission or authority to perform work on any private property.

ADDITIONAL CONDITIONS

1. The Superintendent of the Highway Department has the authority to impose more stringent conditions upon the work than are specified in these regulations when the changes are in the best interest of the Town.
2. Utility installations made longitudinally in the paved surface of the right-of-way may require full width paving in the area of work.
3. The sum of the Bond required may be increased for large projects as deemed necessary by the Superintendent of the Highway Department.